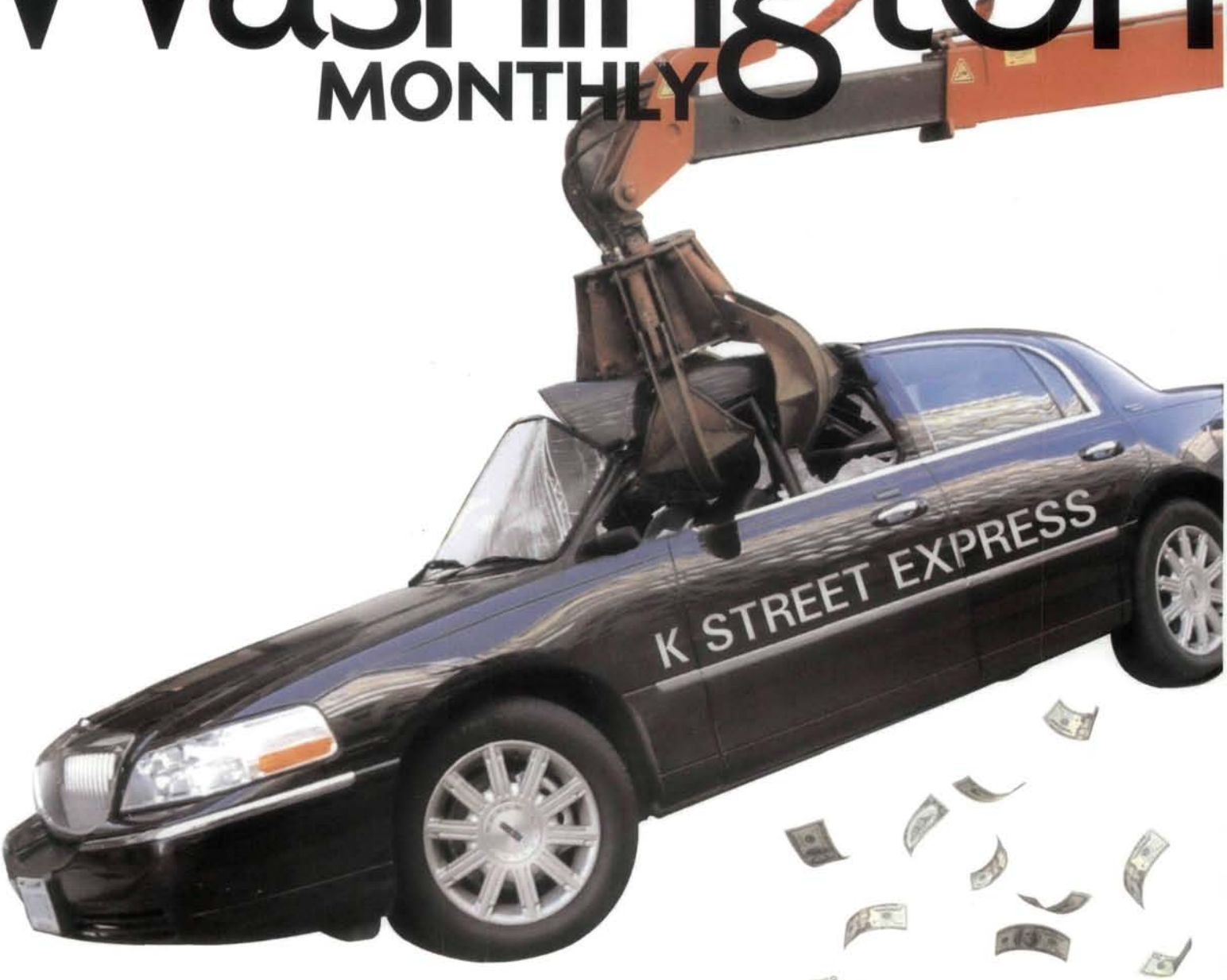
Washington MONTHLY

PLUS: Cheney's Dead-Enders



How to Finish off the GOP Machine.

By Zachary Roth

Jan./Feb. 2007
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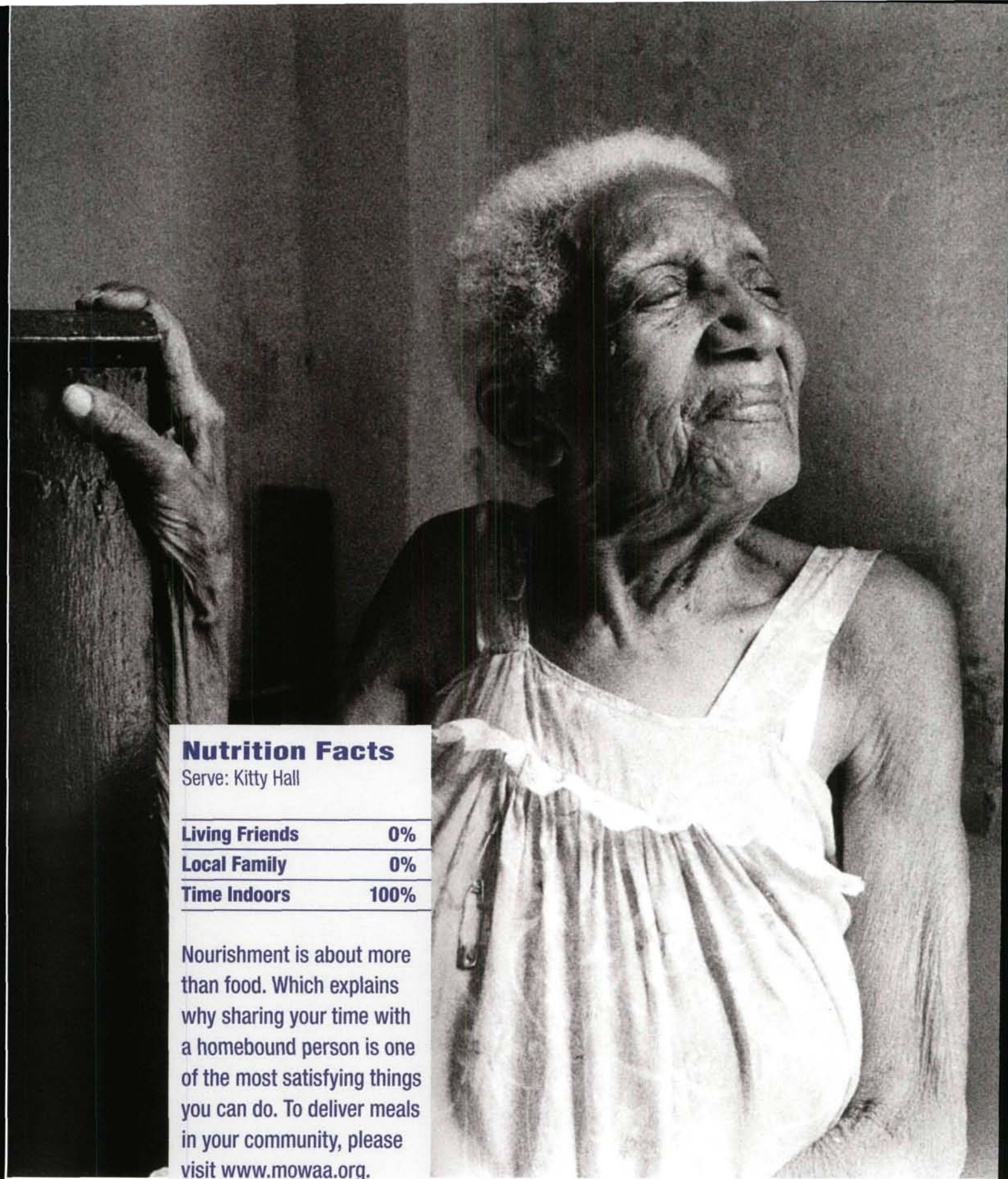

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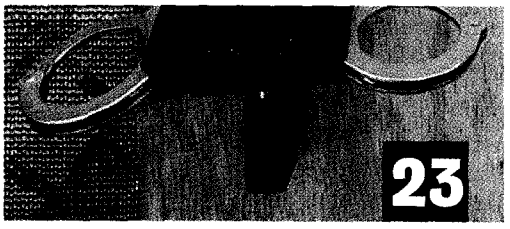

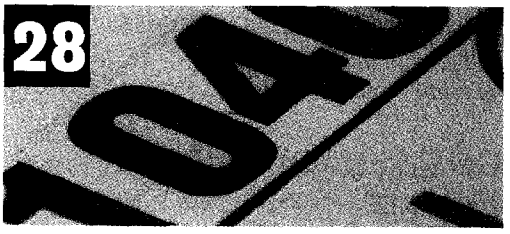

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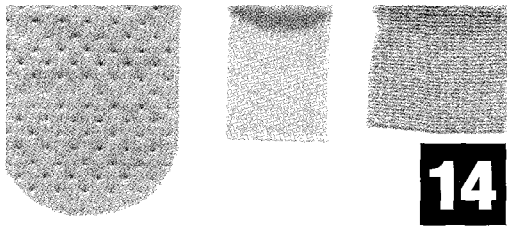

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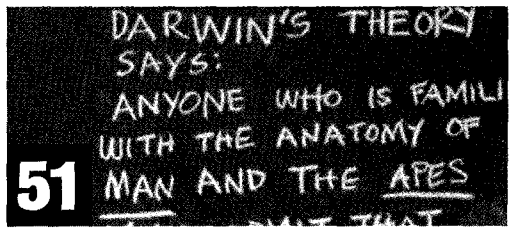

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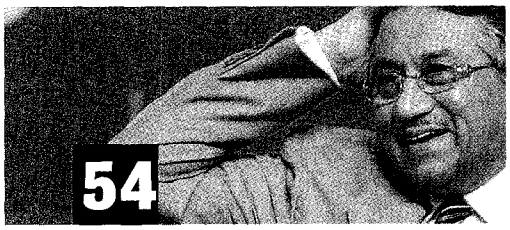

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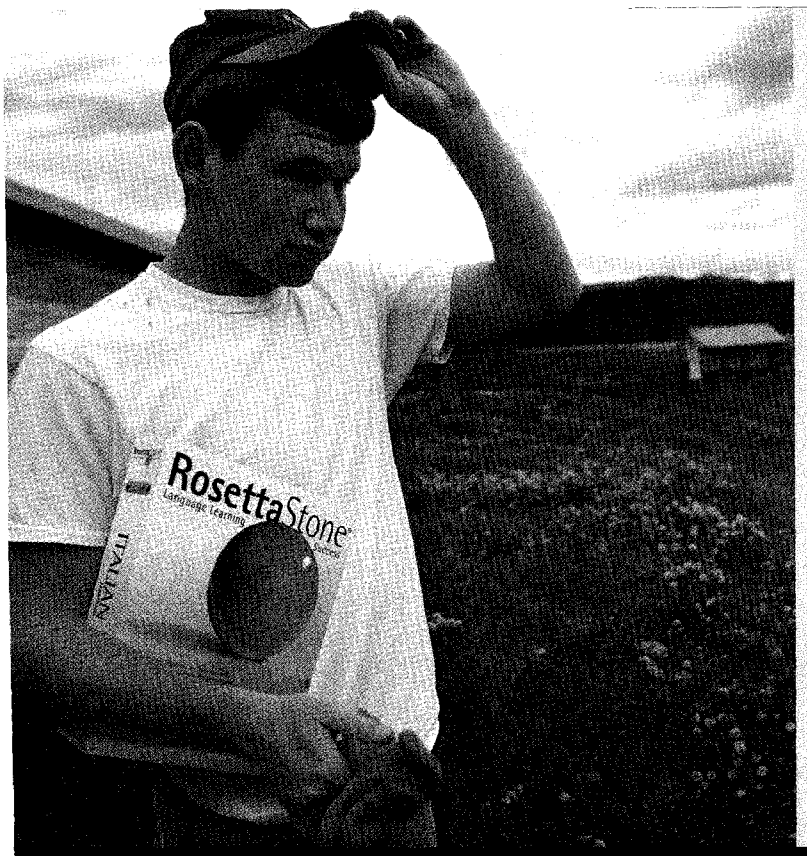

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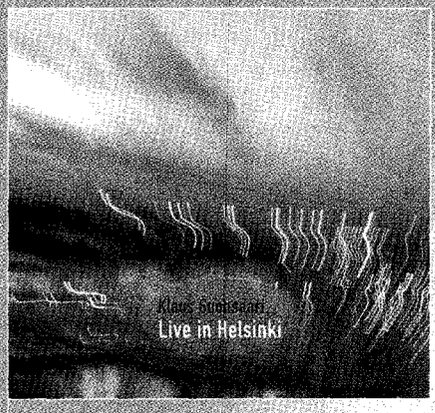
Jarmo Savolainen - Piano
Uffe Krokfors - Bass
Markku Ounaskari - Drums

"A true joy!" - Dave Liebman, Jazz Musician

Nordic Trinity: Wonders Never Cease
Juhani Aaltonen - Ten.Saxophone
Mikko Iivanainen - Guitar
Klaus Suonsaari - Drums

"Nordic Trinity is a Finnish supergroup." - Christopher Porter, JazzTimes



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LETTERS

California scheming

I thoroughly enjoyed Rachel Morris's "The Race to Gerrymander" (November 2006). I am an attorney and Republican political consultant in California, and have always been interested in the issue of reapportionment. While I agree with her view that the Democrats could have been more aggressive in gaining House seats in California in 2001, it would have been more difficult than she suggests. (I was not involved in any way with redistricting in 2001, so my comments are strictly as a spectator.)

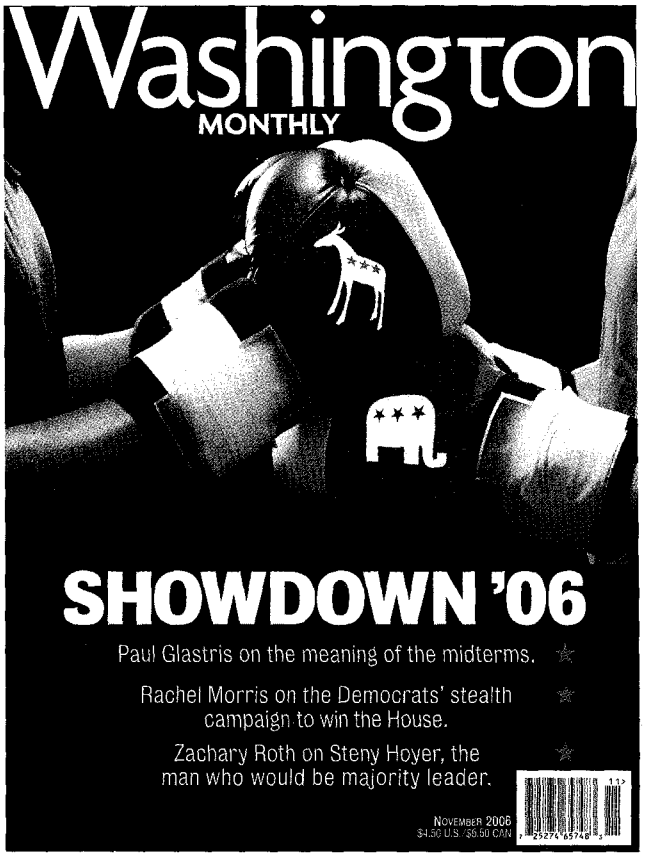
Democrats had already made significant gains without redistricting in California. In 2000, Democrats gained four House seats by defeating three GOP incumbents and winning one GOP open seat. Their first priority was to make those seats safe, which they did. They then eliminated the seat of a moderate GOP representative, replacing it with a safe seat for Democratic Rep. Loretta Sanchez's sister.

That left only a few obvious Republican targets. One was former representative Richard Pombo. Morris's comments about him are correct—his district became several points more Republican, and it's unlikely he could have won this year in his old district. [*Ed: Pombo was unexpectedly defeated this year under the new map.*] But she omitted one reason for that fact: Chandra Levy.

California's Central Valley has become steadily more Republican over the past 15 years. When Pombo first ran for Congress in 1992, Democrats held almost a 15-point registration edge there. By 2001, Republicans outnumbered Democrats. A nearby district held by Rep. Gary Condit had evolved from safely Democratic in 1992 to Republican by 2001. Condit was unbeatable, but Democrats weren't going to win that district as an open seat.

The redistricting was done in the midst of the Chandra Levy scandal. In order to keep Condit's district, Democrats carved a key-shaped chunk of Stockton and the Latino areas to its south from Pombo's district, and put it into Condit's. The Democratic candidate easily defeated Condit in the primary, and in November 2002 won only a nine-point victory. That indicates that Democrats did need to change the lines; securing Pombo was the price.

Democrats could also have gone after the few remaining GOP suburban seats. Demographic changes over the past decade have made suburban areas steadily more Democratic, and even small changes could have netted, one,



November 2006

> "If the Democrats had more Steny Hoyers, I would never have switched to the GOP!"

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LETTERS

perhaps two, seats. That did not happen. However, further gains beyond that would have required aggressive changes in Republican districts, which are in the most rapidly growing areas of the state. That is always difficult.

At the time, many analysts said the Democrats could have won an additional four seats with an aggressive map, which is true. But doing so would have given them 70 percent of the seats, and California is not Massachusetts. If Republicans were to get nearly half the vote statewide in a good year, that would sweep away 10 seats. A lot of Democratic politicians don't like that level of job insecurity. As Morris pointed out, a scenario where the Democrats gain enough less-safe districts to attain a House majority, at least for one term, isn't in the best interests of the actual occupants of the seats.

LARRY MOLTON
Castro Valley, Calif.

Party pooper

If the Democrats had more Steny Hoyers, I would never have switched to the GOP! ("The Establishmentarian" by Zachary Roth, November.)

JIM MORRISON
Scottsdale, Ariz.

State of emergency

As a good Democrat, I won't vouch for the former House Judiciary Committee chairman James Sensenbrenner (R-Wisc.) in the debate over how to reconstitute the House of Representatives in a national emergency ("Death Wish," by Avi Klein, November). But I think Klein ignores one important reason for not wanting appointed House members because he is thinking too conventionally.

My strong support for an elected House in the event of a terrorist attack that kills half the representatives is not just my affection for tradition. I believe the legitimacy of decision-making derived from an elected House would be of the highest importance in a crisis. Certainly, an elected House is superior to the truly wacky idea proposed by Rep. Brian Baird (D-WA), where governors would be limited to a list of successors provided in advance by the dead members of Congress themselves. He and Norman Ornstein seem to lack confidence that governors will make the right decisions, apparently believing that ensuring the partisan make-up of the House is the highest priority during an emergency.

But Baird, Ornstein and the commission are thinking about conventional elections, with the usual time-consuming fundraising and campaigning. A legitimate special election could be held in about seven days. Every state has a mechanism—usually a party "central committee" or the like—to nominate replacements for candidates who die unexpectedly. Empower such a committee to be polled by phone following an emergency, and you could produce party nominees in 24 hours. Then, hold the election seven days later. Difficult? Maybe. But I can think of one high-tech solution (online voting), and one low-tech solution (marking a paper ballot at your local polling place) that could easily be accomplished in this time frame, let alone the 21 days suggested by the continuity law that Klein criticizes. Voting by mail is another solution that could be accomplished quickly. Can't we forego a few of the usual campaign trappings during a true national emergency?

DON DEARMON
WASHINGTON, D.C.

In defense of Wal-Mart

Charles Peters ("Tilting at Windmills," November) may wish to give thought to a couple of things in his consideration of the pros and cons of Wal-Mart. The mom-and-pop supplier of commodities will never be able to compete with a Wal-Mart. However, the money saved by a consumer shopping at a Wal-Mart is likely spent at other businesses in town. The mom-and-pop supplier of value-added services, not commodities, may well be the recipient of those savings, and enjoy higher revenues as a result. Also note that few mom-and-pop businesses have ever supplied their employees with benefits.

As for suppliers who were bankrupted by their customer, any CEO who places all of his eggs in one basket (supplying one major customer while ignoring others) is, frankly, a fool. Wise marketing recommends a diverse and balanced customer base, one where the tail does not wag the dog.

BILL KEEL
Pompano Beach, Fla.

Why we buy

Few authors have the pleasure of having their book reviewed by a reader who actually gets it and also brings a rich background to the subject ("The Invention of Shopping" by Christina Larson, November). I feel honored and delighted. Thank you for engaging with the themes that I wanted the book to convey, and not simply seeing it as an exercise in nostalgia.

JAN WHITAKER
Author of *Service and Style: How the American Department Store Fashioned the Middle Class*

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Tilting at windmills

By Charles Peters

The best plan (your) money can buy (your Congressman)

All those new congressmen are making a delightful discovery: Their new office entitles them to what Mike Causey of *The Washington Times* calls "the best health plan in the nation." It covers all federal employees and, writes Causey, "can't drop you or turn you down because of your age, retirement status, health, bad habits, or pre-existing medical conditions. And the government pays a little more than 70 cents of each premium dollar."

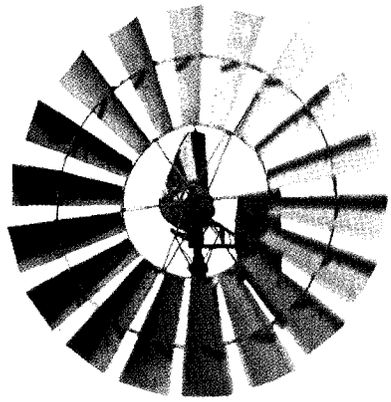
You might consider writing your congressman and asking him to please explain just why his plan can't cover you.

Unspeakable

On Dec. 4th, "NBC Nightly News" featured a report by Lisa Myers on the FBI that many Americans would find shocking. I expected to see it on the front pages of *The New York Times* and *The Washington Post* the next day. But not a word appeared. I wonder if you agree with me or the *Post* and *Times*. Here's what NBC reported: Five years after 9/11, the FBI has only six agents fluent in Arabic. Furthermore, when two of its top post-9/11 counterterrorism officials were asked if they knew the difference between Sunni and Shiite Muslims, one replied, "Not really, no." The other, "Not very well."

The new proletariat

In the recent articles "The Revolt of



the Fairly Rich" in *Fortune*, and "A New Class War: The Haves Versus the Have Mores," we learn that people in the $100,000-500,000 income range now see themselves as underprivileged. This group includes congressmen, upper-level government officials, journalists at major news organizations, and professors at elite universities. This new proletariat is not exactly voiceless.

La Causa

The new proletariat's big cause at the moment is something called the alternative minimum tax (AMT), and they're using their political and journalistic muscle to reform it to their taste. The tax was originally designed to keep the rich from using various loopholes to escape the income tax entirely. However, because of inflation, $100,000 no longer means you're as well-off as it used to, but now may make you eligible for the AMT. The new proletariat feels threatened. But just how serious is the threat? A story on the front page of *The Washington Post* sought to raise alarm about the tax. An example used in the accompanying chart illustrating the harm was of a single parent with six children making $75,000 a year who would have to pay $1,112 more because of the AMT. But you don't have to get rid of the AMT entirely to provide mercy for that fellow and others similarly situated. Besides, how many parents have six children these days? Two children are far more typical. And a couple with two children can make $80,000 without paying any AMT.

In fact, only 20 percent of taxpayers make $80,000 or more. For these people to wallow in self-pity is ridiculous. They should concern themselves with the 80 percent of taxpayers who make less than $80,000. And the major burden for that 80 percent is not the income tax or the AMT, it is the FICA, or Social Security tax. If we want to help them, we reduce that tax first. Congress has hesitated to touch it because they fear being accused of tampering with Social Security. But if they really want to help the working people of this country instead of themselves, it's FICA, not the AMT, that should be their target.

Karl, Grover, and Sharyl

Karl Rove and Grover Norquist must have clapped their hands with glee when Sharyl Attkisson reported on CBS News a few days after the election that the newly victorious congressional

> "People in the $100,000 to $500,000 income range now see themselves as underprivileged."

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Democrats might reinstate the "death tax," using the Republican propaganda term for the estate tax, and seeming blissfully unaware that she was carrying water for Karl and Grover.

A classier con

Flim-flam and the practice of law are, as we all know, not strangers. And the fancier the law firm, the more refined are the hustles and cons it employs. Consider, for example, the art of billing the client. The object, of course, is to extract from the client the largest remotely feasible fee for services rendered.

One technique is called "block billing." A large number of tasks are lumped together without any breakdowns of how much time was devoted to each, and without any specific description of the task. Another is to use less-than-revealing descriptions of the work done. "Review documents" leaves to the imagination the exact nature of the documents. How many are one paragraph or one sentence, and how many are formidably opaque requiring weeks of close study?

Amtrak was recently found to be the victim of such billing in an audit reported by *The Wall Street Journal*'s Nathan Koppel and Ashby Jones. Koppel and Jones discuss two possible reasons for Amtrak's failure to monitor its legal bills with appropriate zeal: A lawyer for one of the firms previously worked at Amtrak, so old pals at Amtrak may have been reluctant to question his firm's billing. And the Amtrak lawyer supervising another firm had previously worked at that firm, and may have hesitated to be churlish to his old friends.

My own experience suggests a third possibility. Imagine the senior partner of the outside law firm playing golf with Al, the in-house corporate lawyer overseeing the firm's work. As they stroll from the putting green for one hole to the tee for the next, the senior partner says something like this: "Al, I just want you to know that if you ever tire of the corporate rat race, there'll be a place for you at the firm."

Sometimes the partner doesn't have to be that explicit. Just hinting at such a conversation is enough to keep Al from too closely scrutinizing the firm's bill.

THE MONTHLY JOURNALISM AWARD

Judy Pasternak
The Los Angeles Times
Nov. 19 - Nov. 22, 2006

It's often noted that the poor suffer most from environmentally irresponsible land use. In a four-part series called "Blighted Homeland," *Los Angeles Times* reporter Judy Pasternak exposes a particularly horrific example. During the Cold War, mining companies worked tirelessly to extract uranium from parts of the Navajo Nation, home to 180,000 people spread sparsely over parts of Arizona, Utah, and New Mexico. When the companies were done mining, they failed to clean up after themselves, leaving behind blast pits and piles of radioactive tailings, sand, and crushed rock.

The pits filled with radioactive water, from which Navajos and their animals drank; children played near the tailings; and their parents used the sand and crushed rock to build radioactive dwellings. The results were disastrous, including skyrocketing cancer rates, dying livestock, and deformed children, many of whom didn't survive until adulthood.

Pasternak's reporting encompasses both the families devastated by living on polluted land and the repeated neglect of the mining companies and federal regulators. But perhaps most distressing is her account of the Navajo leadership's reaction. Lacking money to clean the afflicted sites, they concealed the contamination from those most endangered by it.

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Monitoring the Ikea threat

One obstacle to reform of the CIA is its culture, which long ago became infected by the values of the Foreign Service, with which it shares quarters at American embassies throughout the world. Like their Foreign Service counterparts, CIA officers came to yearn for cushy assignments in the world's more attractive cities, especially those in Europe, in contrast to the places where their services were most needed. That this remains true of the agency's culture is illustrated by a recent column from *The Washington Post's* David Ignatius: "Agency gossip has it that a long line of officers recently bid for a plush station chief's job in Scandinavia, while there were only several applicants each to run the big stations in Baghdad, Kabul and Islamabad."

Get me out of here

It appears that even the Director of National Intelligence, John Negroponte, wants to go to Scandinavia. I speak metaphorically, but the gossip around town is that Negroponte wants to be the deputy secretary of state, an infinitely more pleasant job than trying to organize the nation's morass of intelligence agencies and make them efficient.

On the plus side, the intelligence *inside* the Green Zone is superb

By the way, Ignatius reports that Gen. Michael Hayden, the CIA's new head, is trying to get more officers out of the embassies and into deep-cover roles in the field. Apparently, however, he has had little success in Baghdad, where, as Ignatius reports: "The CIA station is said to have more than 600 people, yet most of them rarely travel outside the Green Zone, and some senior Iraqis say it has been months since they met with a CIA officer."

A turn for the worst

More on that crash of Yankee pitcher Cory Lidle's plane into a New York apartment building. It turns out that the plane was attempting to make a U-turn over the East River. The East River is just 2,100 feet wide at that point. How could the FAA allow such a tricky maneuver to be made with those large buildings right next to the river? There was no room for anything to go wrong. As so often happens, something did go wrong. There was a crosswind that made it impossible for the small plane to complete the turn and blew it into the apartment building.

Food for thought

The Centers for Disease Control and Prevention has estimated that 76 million Americans get sick each year from eating contaminated food. 325,000 are sick enough to be hospitalized. In a period between Jan. 1, 2000, and Dec. 31, 2004, there were 6,374 food-related disease outbreaks affecting multiple individuals.

These outbreaks were studied by investigators from the Scripps Howard News Service, and reported by Thomas Hargrove. The findings are alarming. In only 36 percent of cases were the causes of the outbreaks diagnosed by state health departments. In Alabama, only 5 percent of the cases were diagnosed. In New Jersey, just 21 percent. The dismaying list goes on: In Maryland 27 percent; New York 40 percent; and Pennsylvania 48 percent. Well, you say, perhaps the job is just too difficult. But Wisconsin diagnosed 90 percent.

Although the CDC knew these figures, it did not make them public. That job was left to Scripps Howard. Why was the CDC so reticent? This reminds me of what an important agency the CDC is, and how its performance needs a major evaluation. As the head of a small foundation devoted to better reporting about government agencies, I've tried to persuade a number of reporters to take on the job of evaluating the CDC, but the time and technical expertise required have made the task seem too big. I hope someone reading this is inspired to say, "Damn the torpedos, full speed ahead," and try anyway.

Lost in translation

More disquieting news about the CIA, this from David E. Kaplan and Kevin Whitelaw of *U.S. News & World Report*: "In the midst of a massive drive to shore up the ranks of spies, it is still difficult for the intelligence community to recruit—and get security clearances for—first-generation Americans who speak foreign languages and can better blend into the cultures of important target countries. Because it's tough to do background checks on people who have family in Damascus or Tehran, security officers have found it easier to just screen them out."

Since 9/11, there has been a tremendous pressure on the CIA's recruiters to produce numbers—almost 40 percent of the CIA's current workforce has come aboard since 9/11. But getting these numbers means concentrating on the easy-to-pick, low-hanging fruit, most of whom tend to speak with an unmistakably American accent, and look more like they're from the Midwest than the Mideast.

Shameful

November marked the 42nd month since American forces conquered Baghdad and the Iraqi security forces were disbanded by order of Paul Bremer. Widespread looting immediately made it clear that we needed to

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form new local security forces. This need became even more apparent as the insurgency got underway a few months later. Yet in November, we read the lead story in *The Washington Post* by Tom Ricks: "Flaws Cited in Effort To Train Iraqi Forces. U.S. Officers Roundly Criticize Program." In another November article, Michael Gordon reported in *The New York Times* from Fort Riley, Kansas: "This wind-swept stretch of Kansas has become the hub of a major new push by the United States Army to overhaul its effort to advise Iraq's fledgling security forces." In still another November story about an American military police captain who is trying to train Iraqi police, Kirk Semple of the *Times* reports, "The local police force remains undertrained, poorly equipped and unable to stand up to the rigors of this conflict."

Semple notes that in joint patrols involving Americans and Iraqis, "the Americans, swaddled in Kevlar from head to hips, travel in Humvees and other armored vehicles. The Iraqis, wearing only bullet-proof vests, ride in soft-skinned pickup trucks and S.U.V.'s, the only vehicles they have."

In recent "Tilting" items, I have cited similar reports by *The Wall Street Journal*'s Greg Jaffe, comparing the miserable equipment of the Iraqi army with the much better-off Americans.

How can these conditions have been permitted to continue for three and a half years? How can Bush sleep at night?

Bargains in New York

A two-page ad in a recent issue of *The New York Times Magazine* features a lovely panorama of Central Park. The ad explains that this is the "view from the living room of apartment 12A" at 15 Central Park West. 12A, the ad continues, is yours for just $20 million. If, however, things haven't been going your way on Wall Street recently, other apartments are available in the building for as little as $8 million.

Untaught teachers

When I worked for the Peace Corps in the 1960s, one of our most shocking discoveries was how bad the teachers' colleges were. Roughly half of our volunteers had to be trained to teach overseas. But we found that most teacher training in this country paid only the most modest attention to the trainee's mastery of the subject he was to teach, and did not place nearly enough emphasis on practicing under the supervision of able and experienced teachers.

It was therefore depressing in the extreme for me to read in an article this fall by Jay Mathews of *The Washington Post* that both shortcomings are still true of teacher education today. Why have 40 years gone by with so little improvement? I suspect it has to do with the power the education lobby has in state legislatures and with the fact that teacher education on the cheap is a moneymaker for universities.

Good teacher education is much more urgent now than it was in the old days, when we could count on a supply of brilliant women who had few job opportunities and were bright enough to overcome the miserable education they received at teachers' college.

Welcome back

One of the few bright spots in the Iraq story has been the work of Stuart W. Bowen Jr., the special inspector general for Iraq Reconstruction. He has been relentless in exposing contractor abuse. Unsurprisingly, the main culprit has been KBR, the Halliburton subsidiary, which Bowen has found charging at least 55 percent in overhead and refusing to disclose to the government such basic information as how many meals it serves or how many gallons of fuel it delivers. Even though Bowen himself is a Republican, Republicans in Congress have rewarded his diligence by scheduling his office for abolition. Happily, the Democrats plan to reverse that action, and Bowen will be able to continue protecting the interests of the American taxpayer.

Not really a stickler

I recently reported that West Virginia's governor has named a coal industry insider to head the state's mine safety agency. Now George W. Bush has done the same thing. He has given a recess appointment, avoiding confirmation, to Richard Stickler, to head the federal Mine Health and Safety Administration.

Why are Democrats like Robert Byrd and Jay Rockefeller upset about the Stickler appointment? As a manager for Bethlehem Steel, Stickler presided over a mine that had injury rates double the national average. When asked if any new mine laws were needed, he replied that none were necessary. Has he heard about Sago?

Milton and me

The recent death of Milton Friedman reminded me of a telephone conversation we had a decade ago. I expressed admiration for a couple of his ideas but could not understand why he was so rigidly anti-government. We argued back and forth, until I said, what about the Post Office of the 1930s, '40s and '50s? Remember how they delivered the mail twice a day to residences, and three times to businesses? Packages arrived swiftly and intact. A 13-cent special-delivery stamp would guarantee delivery immediately by courier upon arrival at the destination post office.

Friedman chuckled and said he had

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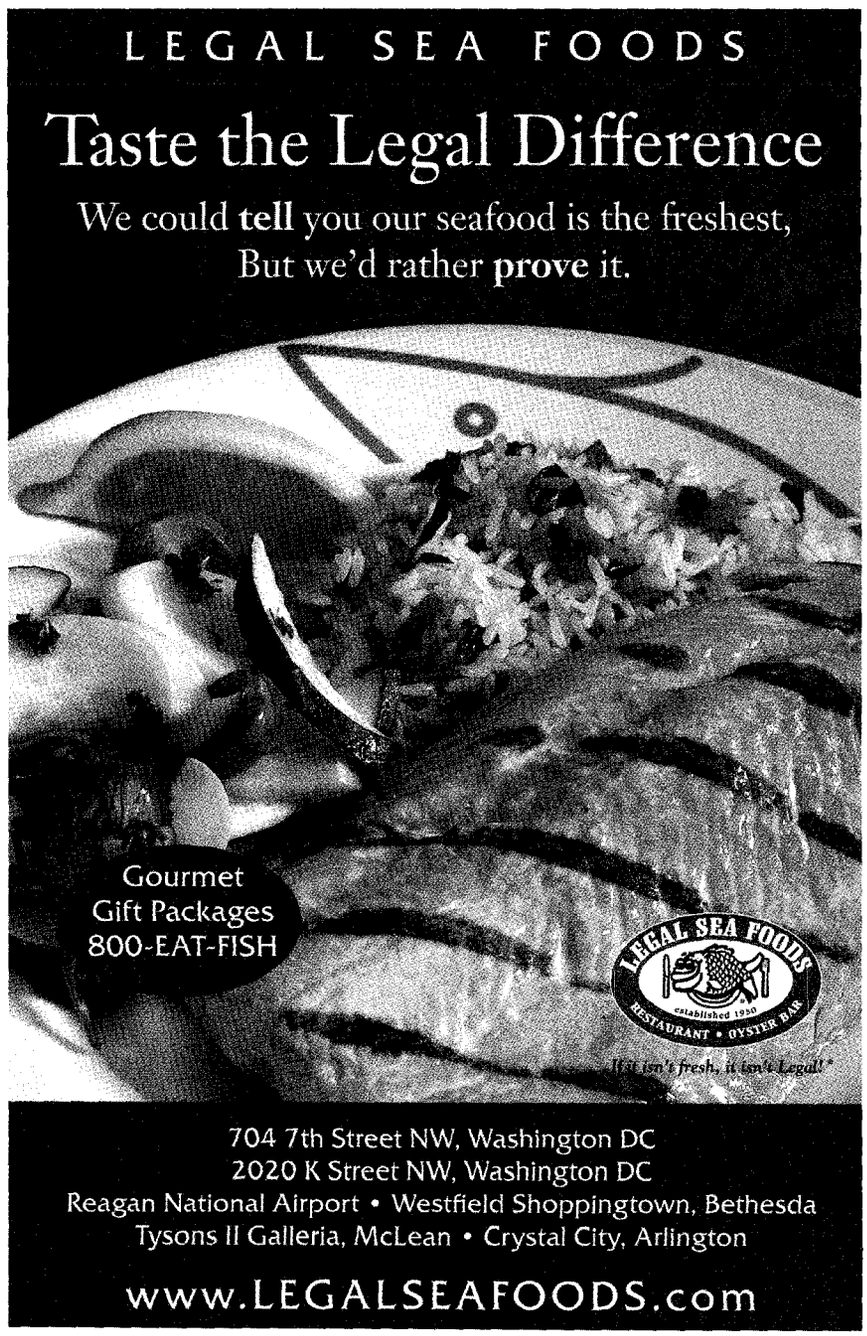
to concede, fondly recalling how he had relied heavily on the post office when courting his wife, Rose. I was delighted to have scored a point with the great man. But then he asked me to ponder why I had to reach back so far to find a convincing example of government working. He had me. I knew there were other government agencies that performed well, but all the recent examples that came to mind were small agencies. I know government can work. But it is true that most of the large institutions could stand a lot of improvement. The point is that many of them, like the CDC, do essential work. Instead of wasting time arguing pro or anti government, as do too many Democrats and Republicans, we should concentrate on ways to make these essential agencies do a better job.

Taking us for a ride

A few issues back, I wrote about those government contractors living well in Loudon County off their earnings from Katrina and Iraq. The people of Louisiana and Mississippi wondering what happened to the billions of dollars Congress appropriated for their benefit might be interested in a headline in the back pages of *The Washington Post:* "In Race for Hottest Ride, Loudon Teens Cruise Laps Ahead." The accompanying article, by Michael Alison Chandler, describes the cars that county teenagers—or their parents—are buying. The BMW 328i seems to be the favorite, although the school parking lot is "occasionally graced by a Porsche or Ferrari." One 18-year-old girl has both a two-seater Mercedes and a 2006 Supercharged Range Rover.

The real proletariat

FICA is just one example of the new proletariat's blindness to the problems of the real average man. Many of those making between $100,000 and $500,000, especially those who live in large cities, worry far more about getting their children into the right private schools or into an elite university than they do about fixing the public schools. And almost all of them, like the congressmen, have generous health insurance of their own that means health care for others doesn't tend to be one of their imperatives. Finally, because their sons and daughters, with rare exceptions, are not in the armed forces, they could support sending other people's children into the war in Iraq. ♦



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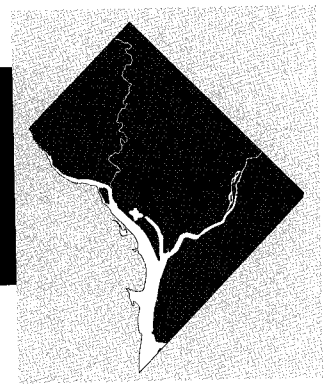
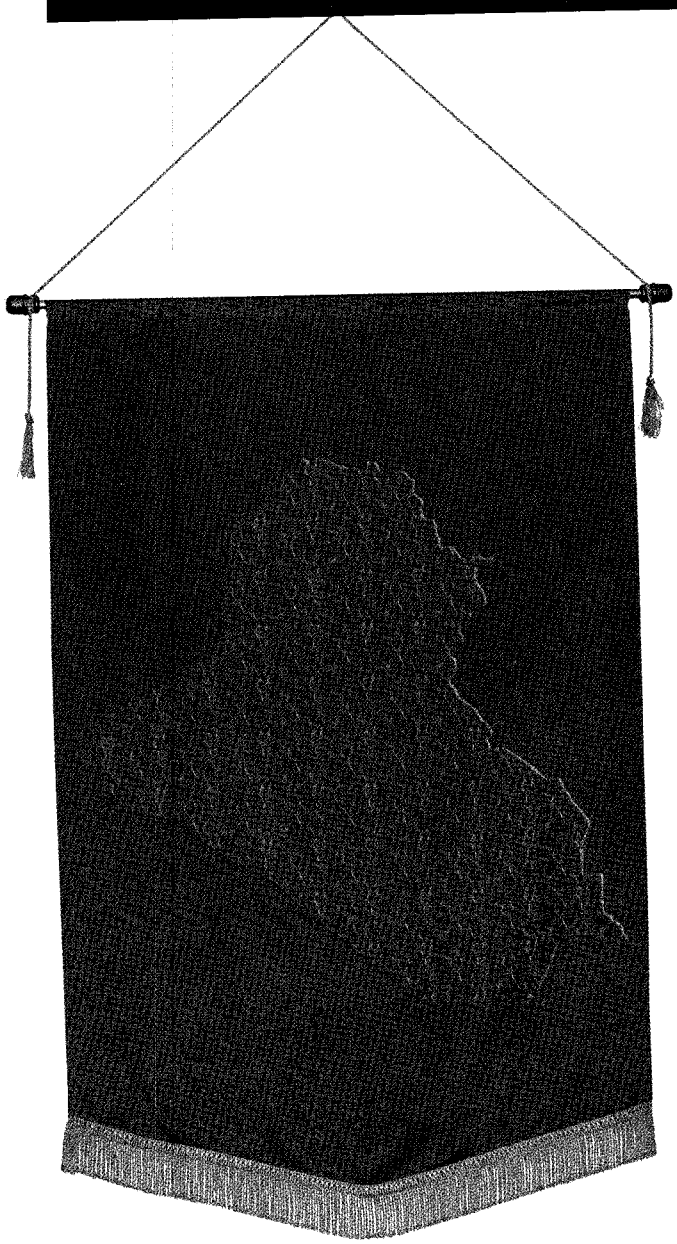
Ten Miles Square

"...such district (not exceeding ten miles square)...[shall] become the seat of the government of the United States." – THE CONSTITUTION OF THE UNITED STATES





The Mordor Study Group

By T.A. Frank

TRANSCRIPT FROM A DEC. 18 SESSION

JAMES BAKER: I want to thank you all for being here. We took some heat for our work on Iraq, but I still think most Americans thought it was valuable. Now, we turn our attention to a new problem. Again, our mandate isn't to examine how we got into Mordor or to rehash the intelligence leading up to the War of the Ring. I agree things would be different had we known there was, in fact, no ring. But our job, now, is to use your wisdom to help the president create a stable, self-governing Mordor and to expedite a proper transfer of power to the Orcs.

LEE HAMILTON: I'll second my distinguished colleague, and I'm proud to have such wise luminaries on this commission. People like Vernon Jordan, Sandra Day O'Connor and Chuck Robb will offer valuable, bipartisan expertise on how to stabilize Middle Earth. And I think in confronting a ferocious Mordorian insurgency we're blessed to have the advice of Leon Panetta. Now, I'd like to open the floor for some questions to our wise panelists.

VERNON JORDAN: Mordor. That's the place with the pointy-eared people, right? I think we have some clients there.

JAMES BAKER: No, that's Dorwinion, with the elves.

VERNON JORDAN: Oh, right. Good wine there.

SANDRA DAY O'CONNOR: I thought that was Erebor.

LEON PANETTA: I recently gave a speech in Erebor. Good golfing.

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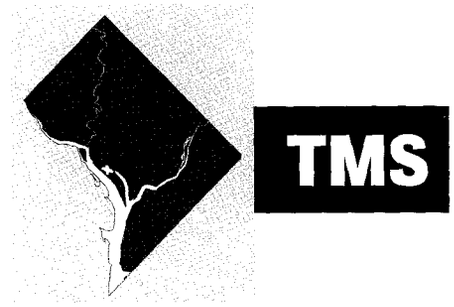

WILLIAM PERRY: Are we going to travel to Mordor?

LEE HAMILTON: At least once, hopefully, and that should bring you up to speed. We're also going to try to see the area outside Mount Doom if we can arrange for security. I think it's important we meet with ordinary Orcs.

ALAN SIMPSON: Honestly, folks, I don't know squat about Mordor.

JAMES BAKER: No worries, Al. You're here because of your good sense.

EDWIN MEESE: Then why am I here?

JAMES BAKER: Don't know, Ed.

SANDRA DAY O'CONNOR: I'd like some recommendations for reading up on Mordor.

EDWIN MEESE: I find Wikipedia really helpful. Also, there's my 2004 book, *Leadership, Ethics and Policing*.

CHUCK ROBB: Is that about Mordor?

EDWIN MEESE: No, but it provides a helpful insight into my thinking.

ALAN SIMPSON: I recommend my own book. It's called *Right in the Old Gazoo: A Lifetime of Scrapping with the Press*.

CHUCK ROBB: Is that about Mordor?

ALAN SIMPSON: Not at all. But you'll appreciate that I'm down-to-earth and plain-spoken.

LAWRENCE EAGLEBURGER: I'm still worried that the north might attempt to secede and draw us into conflict with neighboring states like Rohan. There's a lot of bad feeling.

JAMES BAKER: Well, that's why it's so important to bring actors to the table. We know that the freed slaves of Núrn are still resentful about generations of being forced to farm for the Orc armies, but we're still hoping for a coalition Orc-Slave-of-Núrn government. Apart from several millennia of exploitation and hatred, they have some shared interests.

WILLIAM PERRY: I'm curious about your talks with neighboring countries. I read that you've had several meetings with representatives from Gondor.

JAMES BAKER: I have. I've also met with the foreign minister of the Dead Marshes. The tough part is that his president denies the existence of the moon and drinks mercury.

LEON PANETTA: I think a lot of what we do in Mordor depends on the next six months. That's what Friedman says today.

LEE HAMILTON: Hmm, that's very wise. And you're wise to quote it. But we'll be here well over six months anyway.

EDWIN MEESE: Hey, pardon me, but I'm actually pretty sick of those Orcs. Let's beef up our forces and kick some ass.

LEE HAMILTON: Hang on, Ed. To tell you the truth, that doesn't sound very bipartisan.

WILLIAM PERRY: Yeah, Ed. Plus Mordor's screwed. I vote we get the hell out of there by early 2008.

JIM BAKER: Whoa there, Bill, that's not very bipartisan either. I thought we discussed the importance of bipartisanism. Anyway, this is my commission. I get to decide on troops.

LEE HAMILTON: Hold on, Jim. It's my commission, too.

SANDRA DAY O'CONNOR: Maybe we should just not mention troop levels. Let's just sort of, you know, write around it.

WILLIAM PERRY: That's very wise, Sandy.

ALAN SIMPSON: Or we could say we forgot.

JAMES BAKER: No, we can't do that. Let's say that we should withdraw some number of troops at some time.

LAWRENCE EAGLEBURGER: You mean a set number of troops at a definite time?

JAMES BAKER: No. I mean we withdraw a set number of troops at an indefinite time.

LEE HAMILTON: Or we withdraw an indefinite number of troops at a set time.

JAMES BAKER: That works too. As long as we don't rule out adding forces, too.

LEE HAMILTON: Not at all. As long as we withdraw them, too. At some time.

JAMES BAKER: Let's say at least 10 brigades should be withdrawn sometime.

LAWRENCE EAGLEBURGER: Wait. Is that saying anything?

JAMES BAKER: It's saying everything.

LEE HAMILTON: Indeed. And in a quite bipartisan way. It's very wise.

EDWIN MEESE: Let's call it the Meese Report.

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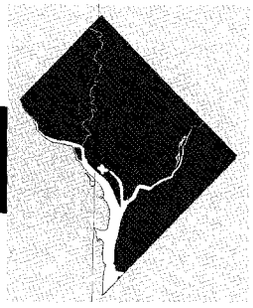

Fight Club

By Ryan Grim

Since Nancy Pelosi helped her father—Baltimore mayor and machine politician extraordinaire Thomas "Big Tommy" D'Alesandro—maintain a book of people who owed him favors, she's learned to wield power through the accounting of grudges and good turns. Washington received a preview of this in November, when Pelosi blocked an adversary, Jane Harman, from leading the House intelligence committee and unsuccessfully pushed to have her ally, John Murtha, elected majority leader over her longtime rival, Steny Hoyer. After the vote, Pelosi magnanimously proclaimed, "Let the healing begin." Here's a useful compendium of the other Democrats who have reason to hope she meant it:

John Dingell (Michigan)

WHO: Ornery Michigander, 80 years old, a.k.a. "Big John," or "The Truck." Has a political memory as long as his congressional career, which began during the Eisenhower administration. President Bush once called him the "biggest pain in the ass on Capitol Hill."

MISDEED: Supporting Steny Hoyer instead of Pelosi for minority whip in 2001. (Pelosi won.)

PUNISHMENT: In 2002, Pelosi donated $12,000 to Dingell's primary challenger, former Representative Lynn Rivers, who had been thrown in with Dingell by redistricters. "[Rivers] was for me. [Dingell] was not," Pelosi told the *San Francisco Chronicle*, referring to the vote.

HEALING STATUS: The pair shared the first dance at a post-election retreat in 2002 and has publicly been on good terms since. "Nancy and I are old pros," he told the *Monthly*. But a former senior Hill staffer observed: "Dingell's too smart to pick a public fight. But to say that he has a long memory for grudges is an understatement." This December, after backing Hoyer over Murtha, Dingell sought to restore the jurisdiction of the committee he chairs, Energy and Commerce, to its pre-GOP form. Pelosi was unenthused about the plan.

Henry Cuellar (Texas)

WHO: Conservative West Texan, personal friend of President Bush. Has managed to irritate nearly the entire Democratic caucus during his two years in office.

MISDEED: Won his seat by deposing Ciro Rodriguez—a staunch liberal and Pelosi loyalist—in a primary. Often works with Republicans on key bills, including the Central American Free Trade Agreement (CAFTA), which Pelosi was determined to have the caucus unanimously oppose. When CAFTA passed by two votes, she was furious.

PUNISHMENT: Keep an eye on Cuellar's committee assignments to gauge how Pelosi intends to run the House.

HEALING STATUS: Pelosi's spokeswoman insists that Cuellar is "part of the team," while Cuellar's confident his prolific fundraising will put him in the Speaker's good graces. "This isn't any time to have any kind of hit list, which I seriously doubt she has," he said. "I don't apologize for my friendship I had with [Bush] when he was governor… I know when I can agree with him and when I can disagree with him. I don't need anybody to second-guess me."

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Collin Peterson (Minnesota)

WHO: Founding member of the conservative Blue Dog Coalition. Voted for GOP measures such as the tax cuts, the Medicare drug bill, and the bankruptcy bill. His country rock band, the Amendments, was invited to play at the 1996 Republican convention. Didn't pay his party dues for about 10 years. Dated Katherine Harris.

MISDEED: All of the above.

PUNISHMENT: When Peterson became eligible for the top Democratic spot on the agriculture committee in 2004, Pelosi only approved the promotion on the condition he become a better team player.

HEALING STATUS: Promising. Peterson caught up on his dues, and this past summer Pelosi accepted an invitation to his district's annual Farmfest, which she attended in cowboy boots.

Ellen Tauscher (California)

WHO: Millionaire, former Wall Street stockbroker, model New Democrat.

MISDEED: Being the only Californian to back Hoyer for minority whip.

PUNISHMENT: In 2002, Tauscher claimed Pelosi pushed California redistricters to make her seat more liberal, opening her up to a possible primary challenge. Pelosi ally Joe Burton called Tauscher "full of shit," while Pelosi dismissed the charges as "amateur hour."

HEALING STATUS: Tauscher and Pelosi's press secretaries downplay the tension. But Tauscher supported Hoyer, not Murtha, for majority leader. And since splitting with the Californians, she's found new friends: She chairs the New Democrat Coalition, which will swell from 47 members to 62 this year.

Greg Meeks and Edolphus Towns (N.Y.)

WHO: New Yorkers from majority-minority districts.

MISDEEDS: Shirking meetings, skipping a big vote. Meeks voted for Republican measures on bankruptcy and tort reform. Both voted for CAFTA, but, unlike Cuellar, had no excuse: Their ultra-Democratic districts are dominated by trade unions.

PUNISHMENT: After CAFTA, Pelosi threatened to strip Towns of his Energy and Commerce committee seat. When he was challenged in the '06 primary, she didn't intervene. (Towns barely survived.) She's not too crazy about Meeks, either. However, Pelosi's power to penalize the wayward pair is restricted by her strained relationship with the Congressional Black Caucus.

HEALING STATUS: Meeks says he is "shocked and astonished" to hear he's not in the Speaker's best graces. Towns' chief of staff Karen Johnson—the only staffer to actually admit her boss has a Pelosi problem—maintains there's hope: "[Pelosi] can't be any angrier at Mr. Towns than she was at Steny Hoyer. If the healing is to begin, it should begin with Mr. Meeks and Mr. Towns."

Joe Crowley (New York)

WHO: Steny Hoyer's right-hand man.

MISDEED: Being Steny Hoyer's right-hand man.

PUNISHMENT: Pelosi has already kneecapped Crowley once before when Murtha, her stalwart supporter, engineered Crowley's upset defeat in the election for vice chair of the Democratic caucus in January of 2006.

HEALING STATUS: An ambitious fellow and particularly energetic fundraiser, Crowley had publicly signalled his interest in taking over from Rahm Emanuel at the top post at the Democratic Congressional Campaign Committee. His ascension to that position would have been a major concession from Pelosi to Hoyer, but Pelosi tapped Chris Van Hollen for the job.

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Cheney's Dead-Enders

Rumsfeld is gone, but the veep's other loyalists remain.

By Laura Rozen

With the departure of his longtime friend **Donald Rumsfeld**, **John Bolton**'s resignation as U.N. ambassador, and Democrats taking over Congress, times seem grim for the **Dick Cheney** wing of the Bush administration. The vice president's vision of a "unitary executive"—otherwise known as the imperial presidency—will almost certainly be challenged by congressional oversight committees, and perhaps by the courts. But Cheney—former aide to Rumsfeld in the Nixon administration, chief of staff in the Ford administration, defense secretary in the first Bush administration, and House intelligence committee chairman during the Iran-Contra scandal (in which he backed the Reagan White House)—is no novice in the art of bureaucratic warfare. He has long surrounded himself with impeccably loyal aides who both share his worldview of a powerful presidency unchecked by the legislative branch, and who have also installed like-minded allies throughout the government. Such allies provide crucial intelligence of inter-departmental debates, enabling Cheney to make end-runs around the bureaucracy and head off opposing views at key meetings. Call it Cheney's state within the state. Herewith a brief guide to the Cheney network, dwindling and beleaguered, but by no means to be underestimated:

First stop, Cheney's office itself and its extraordinarily large staff, presided over by Cheney's Cheney, chief counsel turned chief of staff **David Addington**, who replaced **"Scooter" Libby** following Libby's indictment in the **Valerie Plame** investigation. "A friend of mine counted noses [at the office] and came away with 88. That doesn't count others seconded

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from other agencies," said **Col. Lawrence Wilkerson**, previously chief of staff to former secretary of state **Colin Powell**. Wilkerson's source also noted a National Security Council staff of 212, instead of the usual 110 to 150. The build-up signals Cheney's desire to consolidate power in the White House—where, not incidentally, it's harder for Congress and the press to pry. (When I inquired about a staffer's rumored move to the Veep's office, a Cheney press officer answered sweetly, "If we have a personnel announcement we'd like you to know about, we'll tell you.")

Moving to Foggy Bottom, where Cheney's progeny has until recently reigned. State Department colleagues aren't sure what's become of his daughter, **Liz Cheney**, promoted in 2005 to principal deputy assistant secretary of state for Near Eastern Affairs and head of the Middle East Partnership Initiative—effectively the czar of promoting democracy in the region. She went on maternity leave last summer and hasn't returned. Department sources say Cheney *fille* will not resume leadership of the Partnership Initiative. (That post remains unfilled, as the administration's democracy promotion goals stumble on multiple fronts.) Liz Cheney is said to be updating the necessary paperwork to become a senior adviser to **Condoleezza Rice**, but few have seen her in the building.

Her former top aides, deputy assistant secretary for Near Eastern Affairs **J. Scott Carpenter** and senior advisor **David Denehy**, both democracy specialists formerly with the International Republican Institute, who did Iraq tours as CPA advisors, are allegedly feeling orphaned during her absence. Denehy is reportedly mulling a move to the vice president's office to work on Iran. The concern? Since spring 2005, Deneny has overseen the mysterious Iran-Syria Operations Group, conceiving ways to poke at, or perhaps dislodge, the Tehran regime. If Denehy is seconded to Cheney's office, he'll take the interagency group farther underground with him. (He'd also join a large group on the axis-of-evil portfolio, including Cheney's principal deputy assistant for national-security affairs, **David Wurmser**, national-security advisor **John Hannah**, both of the neoconservative-hawk persuasion, as is **Samantha Ravitch**, Cheney's deputy assistant national-security advisor with responsibility for Iran and North Korea counter-proliferation issues. What the other 84 people working for Cheney do is anyone's guess.)

Across the river at the Pentagon, Rumsfeld's exit hits Cheney loyalists hard, as does the departure of Rumsfeld's right-hand man, **Stephen Cambone**, formerly the Pentagon's intelligence czar, torture-enabler and overseer of a vast expansion of domestic spying. But incoming defense secretary **Robert Gates** may also ponder the pedigree of undersecretary of defense for policy **Eric Edelman**, a career foreign-service officer and former national-security advisor to the vice president (and said to be more moderate than his predecessor **Douglas Feith**).

Deeper in the Office of the Secretary of Defense, Gates should also watch a secretive Iranian directorate *de facto* supervised by **Abram Shulsky**, a Straussian neoconservative intelligence expert who oversaw the controversial Office of Special Plans (OSP), which produced discredited intelligence analysis tying Saddam to al Qaeda and hyping the WMD threat. Two other OSP veterans toil in the six-person directorate: **John Trigilio**, a former Defense Intelligence Agency analyst, and **Ladan Archin**, a former graduate student of **Paul Wolfowitz**. Archin, who went to the vice president's office briefly last year, returned to the DoD a few months later, continuing to advocate for a harder line against Iran. Whether she and other denizens of the Iran directorate and larger policy shop will remain under Gates—who has called for negotiations with Iran—remains to be seen.

Also to watch at DoD, general counsel **William J. Haynes II**, author of a Nov. 2002 memo outlining harsh interrogation techniques echoing Cheney's views. Consequently, Haynes' nomination for a federal judgeship is probably dead. According to Jane Mayer's *New Yorker* series, Cheney's pro-torture network included Addington; Haynes, Rumsfeld and Cambone at Defense; and **John Yoo** and **Jay Bybee** in the Justice Department's Office of Legal Counsel (OLC). Only Cheney, Addington and Haynes remain. The OLC's acting head, **Steven Bradbury**, "is not a true Addington believer in the way John [Yoo] was," said a former Justice Department official. "But [he] recognizes Cheney/Addington as his client." Nevertheless, with former White House counsel, now attorney general, **Alberto Gonzales** generally inclined to see things the White House's way, it's hard to envision his department vigorously resisting the controversial philosophies of Cheney and his network.

Wilkerson concludes: "Their *modus operandi* has been to make policy and force the bureaucracy, which often has not had an opportunity to participate in the making of the policy, to execute it." He adds: "That is a technique that could still work, but it may be diminished in effectiveness. The bureaucracy now understands how beleaguered and isolated the Vice President has become." And may just bite back.

Laura Rozen reports on national security as a senior correspondent for **The American Prospect**.

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GETTY IMAGES, PHOTOGRAPHER ALEX WONG

Senator Barbara Mikulski, D.-Md., bottom right, dean of Senate women, hosts an annual bi-partisan workshop for female senators. Also pictured, counter-clockwise from top right, Sen. Debbie Stabenow, D-Mich., Sen. Blanche Lincoln, D-Ark., Sen. Sen. Elizabeth Dole, R-N.C., and Sen.-elect Amy Klobuchar, D-Minn.

Queens of the Hill

Will the newly empowered women lawmakers clean up Congress?

By Clara Bingham

Nancy Pelosi, who has served as San Francisco's Democratic congresswoman since 1987, is about to become the most powerful woman in elective office in American history. As Speaker of the House, the 66-year-old mother of five and grandmother of six will be third in line to the presidency. But despite the obvious newsworthiness of Pelosi's ascent, it may not be the most significant gain made by women these midterms.

Nor is the fact that more women were elected to office this year—two new female senators and 10 new congresswomen. That brings female representation in both houses to 16 percent, which is respectable, but not so impressive compared to, say, Rwanda (where 49 per-

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Clara Bingham is the author of **Women on the Hill: Challenging the Culture of Congress** and **Class Action.**

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cent of parliamentary representatives are women), and Sweden (47 percent).

More noteworthy is that the female newcomers belong almost exclusively to the incoming Democratic majority—both new senators and eight of the 10 congresswomen. In the Senate, the women make up just under a quarter of the Democratic caucus, and comprise 21 percent of the Democrats in the House.

But what truly marks the 2006 midterms as a watershed for women in politics is the astounding degree to which women in both the House and Senate are now moving up into positions of power, in the leadership and at the head of key committees and subcommittees. Democratic women appear finally to have broken through what Pelosi calls the "marble ceiling." Women will not just be represented in the new Congress—to a remarkable extent, they will be running the place.

The last time that women made big gains on Capitol Hill, they changed the institutions they served in and re-defined the policy debate, particularly among Democrats. It's too soon to say how this year's class of female lawmakers will make their mark, but it's possible to glean some hints from their actions so far, and from a look at their relatively brief history in Congress.

Anita Hill's skirt-tails

Historically, congressional women have had to trade feminism for power. Margaret Chase Smith was a classic example. From 1949 until 1973, the Republican "lady from Maine" was the only elected female senator. She operated, however, more like one of the boys, achieving seniority on the Senate Armed Services and Appropriations committees mainly by turning a blind eye to the sexism surrounding her. "I never was a woman member," she told one reporter. "Had I been one, I wouldn't have been elected." Former Rep. Pat Schroeder of Colorado fared similarly when she became the first woman to sit on the House Armed Services Committee in 1973. F. Edward Hebert, the 72-year-old Democratic chairman (who boasted that his office had an "adult" and an "adultery" room) told her: "The Lord giveth, the Lord taketh away, and I am the Lord. You'll do just fine on this committee if you remember that."

Nor were women accepted in the inner circles of power within either party. Schroeder worked on leadership races for colleagues Shirley Chisholm, Geraldine Ferraro, and Mary Rose Oakar in the 1970s and 1980s. "There is a secret ballot and boys can lie," said Schroeder. "All of them lost, of course. When we went around asking for votes, the guys told us they'd vote for us, but they didn't."

Nothing much changed until 1991, when Clarence Thomas was nominated to the U.S. Supreme Court. Anita Hill, a Yale-educated law professor, testified before the Senate Judiciary Committee that Thomas had sexually intimidated and embarrassed her when she worked for him at the Equal Employment Opportunity Commission. The image of 14 white male Senators interrogating and humiliating the young black woman on national television incensed female viewers, symbolizing the lack of representation for women and their interests on Capitol Hill.

Back then, women made up only 6 percent of the 435-member House and 2 percent of the Senate—and no women served on the Judiciary Committee. In fact, there had never been more than two women senators at any one time, and Barbara Mikulski was the only Democratic woman senator ever elected in her own right (in that she was not filling the seat of her deceased husband). There wasn't even a women's bathroom anywhere near the Senate floor. An iconic 1991 photo shows then-Rep. Barbara Boxer (D-Calif.), Rep. Louise Slaughter (D-N.Y.), and five other congresswomen climbing the white marble stairs to the Senate chamber to protest Hill's treatment by the Judiciary committee. Known as "the women's Iwo Jima," the photo encapsulates their standing in Congress—principled, but powerless.

Thomas was ultimately confirmed, but the hearings inspired an unprecedented number of women to campaign for office, and the 1992 election year was dubbed the "Year of the Woman." In January of 1993, when the freshman class of the 103rd Congress arrived in Washington, 24 women representatives and five women senators swept into office on Anita Hill's skirt-tails. A new breed of congresswomen—unapologetic feminists—had not only a voice, but strength in numbers (plus a newly built bathroom near the Senate floor).

Sen. Patty Murray (D-Wash.) was emblematic of this new crop of congressional women. Then a 43-year-old wife and mother of two, the former first-term state senator from the Seattle suburbs won Brock Adams's long-held seat, which he had vacated under the cloud of sexual harassment and molestation charges. The ultimate Senate outsider, Murray was so unimposing that 91-year-old Sen. Strom Thurmond mistook her for a page and groped her in the elevator one night during a late vote. Nevertheless, Murray began to change the Senate's old-boy's-club culture with homespun speeches about being a secretary and a solidly middle-class working mother. "Once you've worked in daycare, you

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can work anywhere," she proclaimed.

The freshmen women also made their mark on the 103rd Congress in more far-reaching ways. That session, Congress passed 66 bills benefiting women and families. Issues like family leave, sexual harassment, abortion rights, violence against women, women's health research, and gun control came into vogue because the newly elected women held such a clear mandate to champion them.

But when Republicans swept back into power in Congress in 1994, women's issues largely vanished from the agenda. "My being here is like parsley on a potato," Schroeder told me at the time. Indeed, as Republicans mastered the art of ramming through bills with parliamentary style discipline and minimal input from the opposition, Democrats—male or female—were increasingly excluded from playing a meaningful role on congressional committees. Or, as Slaughter puts it, "Republicans treated us like scum." Frustrated, Schroeder left Congress in 1996. Slaughter and most of her female colleagues stayed on, keeping their committee seats warm and slowly climbing the ladder within the Democratic caucus.

> **"One exit poll found that voters perceived women lawmakers to be three times more trustworthy than their male counterparts."**

House proud

The 2006 election inspired 244 women to run for Congress, the second largest number of women to do so since the 1992 election. But for those who won their races, the environment they're entering is very different from that encountered by the class of '93. Women are no longer novelty acts, but, in the Democratic caucus at least, have acquired real political clout. In the House, of course, Pelosi is the first woman Speaker. Slaughter leads the Rules committee, arguably the most powerful in the chamber: No bill will reach the floor for a vote without her approval. Rosa DeLauro (D-Conn.) co-chairs the Democratic Steering Committee, which formulates policy for the caucus, and Rep. Hilda L. Solis (D-Calif.) serves as her vice chair. Reps. Jan Schakowsky (D-Ill.), Debbie Wasserman Schultz (D-Fla.), Diana DeGette (D-Colo.), and Maxine Waters (D-Calif.) have joined the nine-member team of chief deputy whips.

In the Senate, Sen. Murray is now the Democratic conference secretary, the fourth ranking member in the leadership. California's senator, Barbara Boxer, is chief deputy whip and chairs the Environment and Public Works committee (she has also hired the committee's first-ever female chief of staff). Her California colleague, Sen. Dianne Feinstein, leads the Rules Committee. Sen. Barbara Mikulski (D-Md.), dean of the Senate women, is chair of an Appropriations subcommittee, and Blanche Lincoln (D-Ark.), Debbie Stabenow (D-Mich.), and Maria Cantwell (D-Wash.) serve on the Senate's most powerful committee: Finance.

What will women do with this hard-won power? After 12 years in the wilderness, Democrats are again in a position to champion women's issues. Their ability to do so has improved immeasurably since 1994, and their intentions are clear. Slaughter has made a point of stacking the deck of the Rules committee with pro-choice Democrats. Sen. Murray's list of priorities read like a feminist's dream: invest in women's health care, help victims of domestic violence, protect women in retirement.

Yet many so-called "women's issues" of the 1990s—health care, child care, education, and the minimum wage—have become mainstream Democratic concerns in the intervening years. Causes that protect women's economic and social equality—championed by old-timer feminists like Schroeder since the 1970s—will no longer be pigeonholed as special interests. And unlike Chase, Smith or Schroeder, the new women leaders have not been required to choose between feminism and power. Pelosi's new agenda is family-oriented, and she has shown no signs of shying away from women's priorities.

Democratic lawmakers have an additional interest in paying special attention to issues important to women: They owe them their electoral success. Women voters make up an increasingly large majority of Democratic voters nationwide, and helped decide the two elections that propelled Democrats into the Senate majority. In Virginia, 55 percent of women voted for Jim Webb (compared to just 45 percent of men), while in Montana, the other Senate squeaker, 52 percent of

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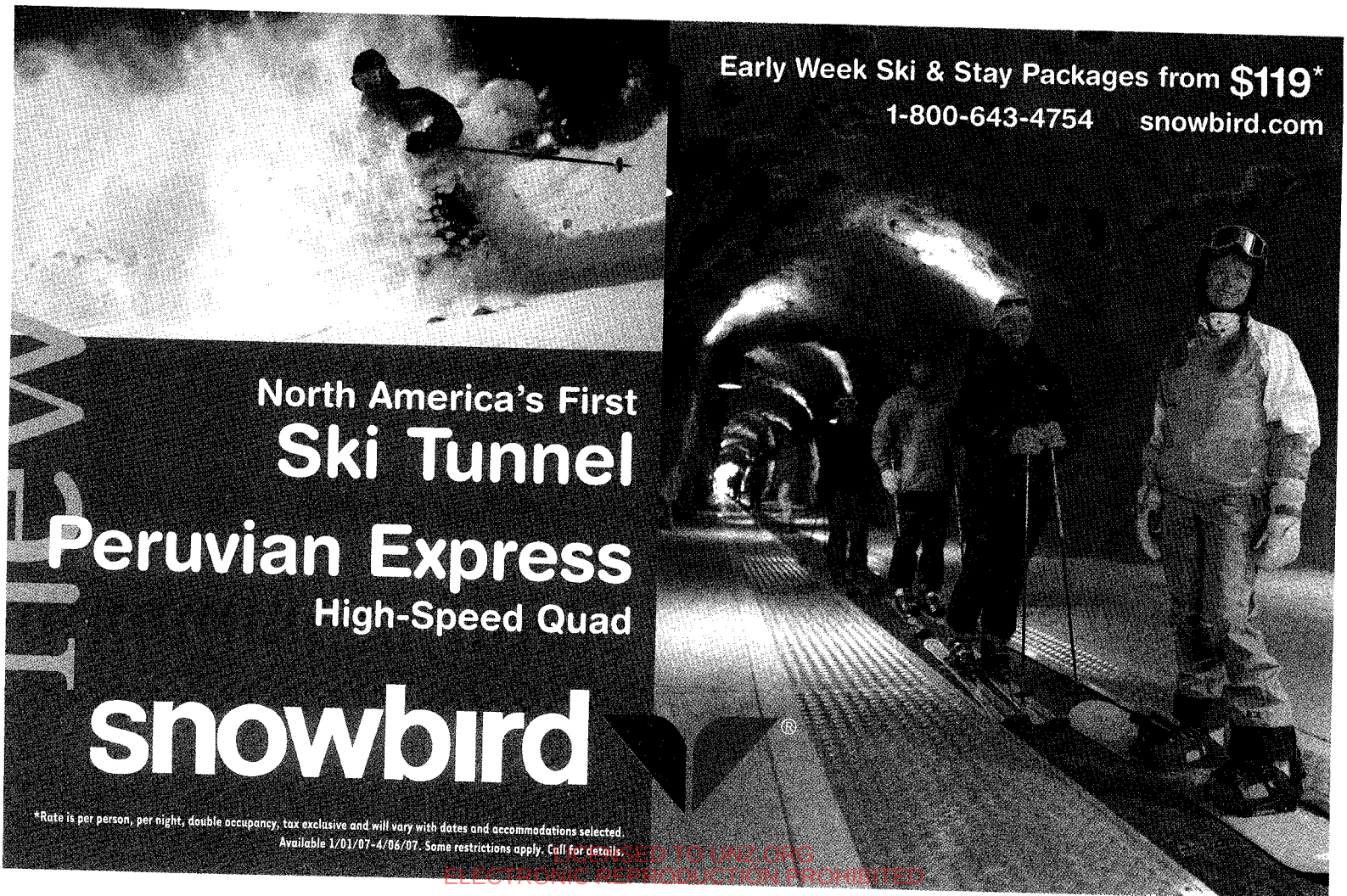
women supported Jon Tester, compared to 48 percent of men. "The Democrats are in power because women voters came out in historic numbers and elected these Democratic candidates because of their issues," says Ellen Malcolm, president of EMILY's List, a political action committee that works to elect pro-choice Democratic women to office. All those factors mean it's likely that issues important to women won't be neglected over the next two years.

But most intriguingly, congressional women have been handed an unprecedented opportunity to help change the way Congress operates. The influx of women in leadership comes at a time when, after 12 years of heavy-handed GOP rule, partisanship has become uncommonly rancorous, even by Washington standards. Many of the newly empowered women promised before the election to restore civility to Washington, something the public is clearly hungry for. And after the election, Democratic women seemed determined to emphasize this point. In her first post-election press conference, Pelosi proclaimed a "return to civility," pledging "partnerships with the Republicans." Slaughter announced that she would not treat Republicans on her committee the way she had been treated while in the minority. "I'm going to start out fair as all get-out," she told me. "The way I see it, every one of us represents about 650,000 Americans, and when you cut 50 percent out, you disenfranchise half the country."

Of course, Pelosi and Slaughter's remarks could be just savvy political window dressing. However, studies on women's participation in government have found that women do work more collaboratively than men. Greatly outnumbered, women have been unable to afford to operate like their male counterparts, and have worked across party lines even at the height of partisanship. "Women have historically had to lead from the foot of the table because they haven't had power," said Marie Wilson of the White House Project, an organization that promotes the notion of a woman president.

This is particularly true in the Senate. Ever since 1992, Mikulski, who calls herself "Coach Barb," has held workshops to teach all new women senators, regardless of party affiliation, the lay of the land. "They look out for each other," says Democratic political consultant Mandy Grunwald, who worked on both Hillary Clinton's and newly elected Sen. Amy Klobuchar's (D-Minn.) campaigns in 2006. (Speaking to Larry King,



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Mikulski put it in military terms: "We're like NATO. An attack on one is an attack on everyone.") To give just a few examples: On the day before 9/11, the women senators were all at Hillary Clinton's house for a baby shower for Sen. Kay Bailey Hutchison's (R-Texas) adopted twins. In 2005, a bipartisan group of Senate women stood together in opposition to the privatization of Social Security. And in 2006, Murray and Sen. Susan Collins (R-Maine) wrote and passed a port security bill together. Once a month, the women senators all meet for dinner. "We are a team," Murray said of her female colleagues shortly after the midterm. "We need to work together in a bipartisan way. It's how women work, how we solve problems, and we want to bring that kind of feeling to the U.S. Senate again."

Is it possible that now that Democratic women are in power, they'll stiff-arm Republicans, even Republican women, as remorselessly as Republicans did Democrats? Perhaps, but a beleaguered minority does not quickly lose its sense of solidarity. It's highly likely there will be more comity than if men alone were running the Democratic Party.

Finally, in a little-noticed development, Democratic women may also play a leading role in one of the most high-profile issues facing the party over the next two years: corruption. It's well known that exit polls showed that voters were unusually concerned about corruption among public officials this election. It's been less frequently observed that another exit poll, conducted by Democratic pollster Celinda Lake, found that voters perceived women lawmakers to be three times more trustworthy than their male counterparts. After the election, Pelosi sought to capitalize on this perception using pointedly domestic imagery, promising to "clean house" and "take the Speaker's gavel from the special interests and place it in the hands of the children." Pelosi took much grief for backing her ally Rep. John Murtha (D-Pa.)—a notorious earmarker with a less than squeaky-clean past—for majority leader. But she's already done far more to clean up her own side of the aisle than former Speaker Dennis Hastert (R-Ill.) did. Hastert let lawmakers like Rep. Jerry Lewis (R-Calif.)—who is under investigation for bribery—keep his chairmanship of the Appropriations Committee. In contrast, Pelosi swiftly moved to expel William Jefferson, who is being investigated for bribery and fraud, from the Ways and Means committee, and prevented impeached federal judge Rep. Alcee Hastings (D-Fla.) from assuming the top position on the Intelligence Committee.

TIME LIFE PICTURES, GETTY IMAGES, PHOTOGRAPHER FRANCIS MILLER

Sen. Margaret Chase Smith (R-Maine), the only elected female senator from 1949 to 1973, was forced to trade feminism for power.

When Pelosi and the posse of influential women in the House and Senate take over Capitol Hill in January, a new chapter in women's political history will begin to be written, and there will be much pressure to perform. The subjects of heightened scrutiny and criticism, not to mention commentary about their clothes and appearance, Pelosi and the others will be working under a microscope. But the advantages, of course, greatly outweigh the risks. "When I become Speaker of the House of Representatives," says Pelosi, "it will send a message to women across the country that anything is possible for them, that women can achieve power, wield it responsibly, and breathe the air at that altitude." ♦

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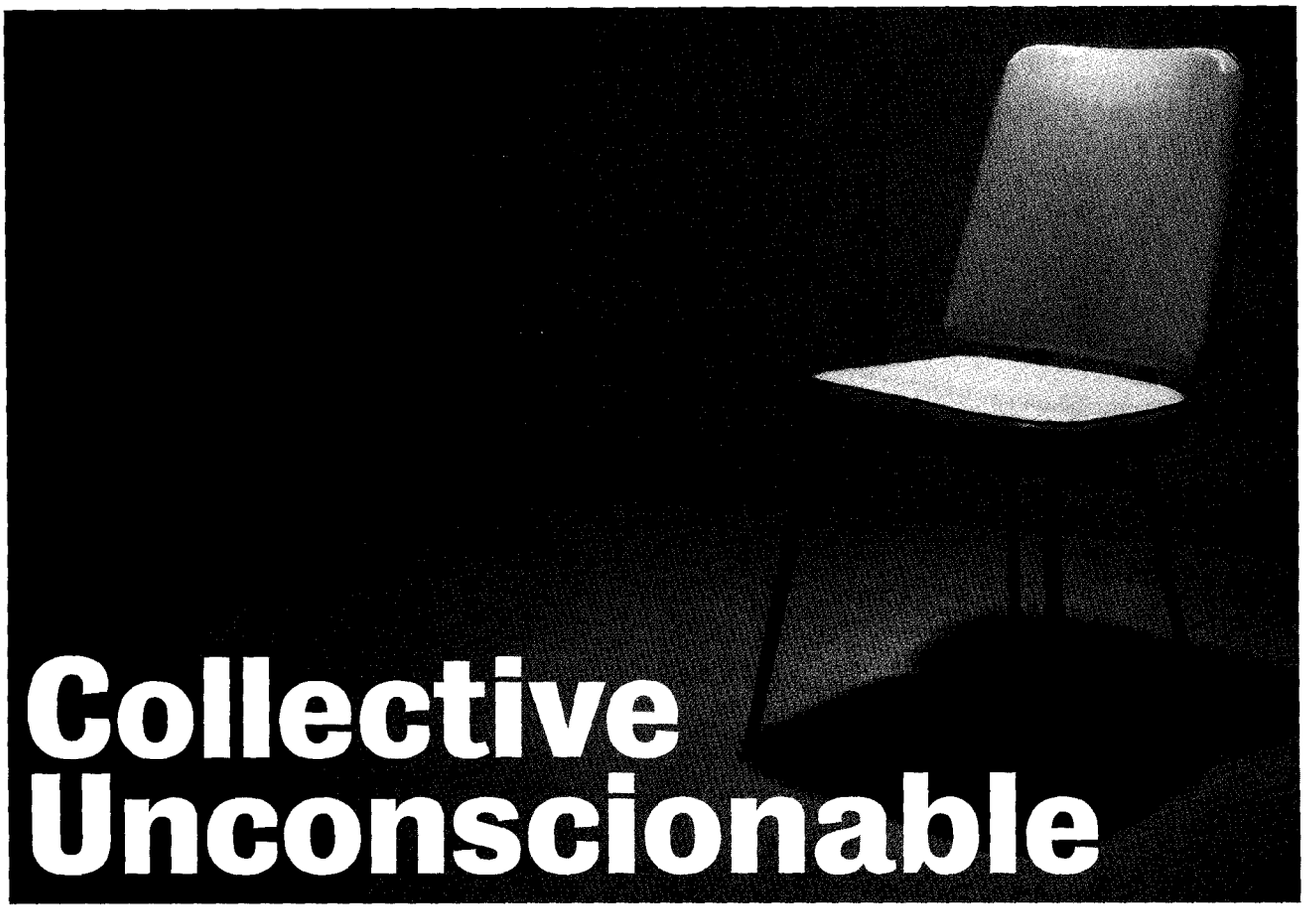

Collective Unconscionable

How psychologists, the most liberal of professionals, abetted Bush's torture policy.

By Arthur Levine

At around six-foot-eight and clad in combat fatigues, Kevin Kiley, the army surgeon general, cut an imposing figure. It was August 2006, and Kiley was in New Orleans to address the governing council of the American Psychological Association (APA) on the subject of psychology in the war on terror. For over a year, the organization had been under fire from human-rights groups and many of its own members, because psychologists had been tied to coercive interrogations and abuse at Guantanamo Bay and other places. Now, many APA members wanted the organization to draw up a firm policy—one that mandated adherence to international standards barring abuse—to prevent psychologists from participating in such practices again.

It was Kiley's job to convince them not to bail out on interrogations. It's an open question how much psychologists have contributed to the art of interrogation in the war on terror, but the APA provides a seal of legitimacy that the government values. If it joined the American Medical Association (AMA) and the American Psychiatric Association by barring their members from joining the Guantanamo interrogations, it would further stigmatize the military's practices. So, armed with PowerPoint slides, Kiley argued for keeping psychologists on the offensive against "sworn enemies" of the country. "Psychology is an important weapons system," he explained. For the APA to draw up an explicit definition of abuse would be counterproductive. After all, "is four hours of sleep deprivation? How loud

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does a scream have to be? How many angels can dance on the head of a pin?"

Kiley had the blessing of the organization's leadership. Despite the controversial nature of the topic in question, APA leaders had originally invited no other speakers to counterbalance Kiley with an opposing view. When this fact was reported by *Salon*, the group hastily issued a last-minute invitation to Steven Reisner, a New York psychoanalyst who had circulated an online petition protesting APA's involvement in interrogations. Reisner was visiting his parents in Florida when the call from APA came, and he arrived in New Orleans in an ill-fitting off-the-rack suit and without a formal speech.

Reisner made his pitch nonetheless. ("The Hippocratic oath says 'do no harm.' It does not say 'measure harm and see if it is the correct amount,'" he reminded the crowd.) But, having had almost no time to prepare, he was no match for Kiley's slick presentation and call-to-arms rhetoric. Ultimately, APA's governing council passed a blandly worded resolution that, most critically, left the definition of the phrase "cruel, inhumane, and degrading treatment" up to current government interpretations.

This wasn't the first time the APA had declined to take a firm position against the administration's interrogation policies. After reports first surfaced in 2004 of psychologists participating in interrogation procedures, many of the APA's more progressive members demanded that the organization take a stand. In response, APA convened a task force to draw up guidelines for members but rejected efforts to ensure that they were specific and enforceable.

Why, then, was the leadership of the APA, an organization representing one of the most liberal professions imaginable, so willing to essentially acquiesce with a conservative administration's efforts to torture prisoners? The answer is that it fell into a classic Washington trade-group dilemma: It became so enmeshed in the gears of the federal machine that it could be influenced by a determined administration and ended up supporting policies that many of its own members opposed.

SERE no evil

Psychology has long had ties to the military and the government. Indeed, the armed forces may have played a larger role than any other institution in establishing psychology as a technical and scientific profession. During World War I, psychologists were placed in charge of aptitude tests given to soldiers—a task they again carried out in World War II, by which time they had been thoroughly integrated into the military structure. By the 1950s, they were helping to conduct Cold War studies on interrogation that included experiments with sensory deprivation and hallucinogens meant to serve as "truth serum" (LSD, for example)—and developed techniques used by the CIA to torture prisoners in Latin America in the 1980s.

It wasn't surprising, then, that psychologists and psychiatrists were on hand in early 2002, mostly in clinical roles, when detainees who'd been captured in Afghanistan started arriving at Guantanamo. For most of that year, however, intelligence yields from the inmates were poor, and psychologists did not play a major role. That began to change later that year, with the arrival at Guantanamo of a new commander. Major General Geoffrey Miller believed strongly in breaking detainees down, and that psychologists were crucial to this effort. (Miller would later be dispatched to Abu Ghraib to "Gitmo-ize" the prison by giving advice on detainee treatment, where, according to one general, he told subordinates that detainees should be "treated like dogs.")

Miller approved the creation of Behavioral Science Consultation Teams (BSCTs), which would include psychologists and other medical professionals. In theory, these "biscuit teams" would advise interrogators on how to develop a rapport with detainees, but in practice, things were less Dale Carnegie-esque. When one army psychologist and APA member helped interrogate Mohammed al-Khatani, the supposed "20th hijacker," some of the techniques used included stripping Khatani naked, giving him intravenous fluids to force him to urinate on himself, exercising him to exhaustion, and making him roll over and perform other dog tricks. The interrogation log includes such psychological observations as "detainee seemed too comfortable."

There was another link to professional psychology. As first reported by *The New Yorker*, many of the techniques used to break down detainees at Guantanamo had been derived in late 2002 from a classified program known as Survival, Evasion, Resistance, Escape (SERE) at Fort Bragg, N.C. SERE was originally designed to train elite soldiers to resist torture such as forced nudity, Bible trashing, sleep deprivation, hooding, isolation, and water-boarding. But many of these practices—rather than training in how to resist them—were soon adopted at Guantanamo. According to *The New Yorker*, one of the primary conduits for passing on such techniques appeared to be the chief psychologist of the SERE program, Col. Morgan Banks. (Banks told the magazine he offered guidance to Guantanamo's BSCT members

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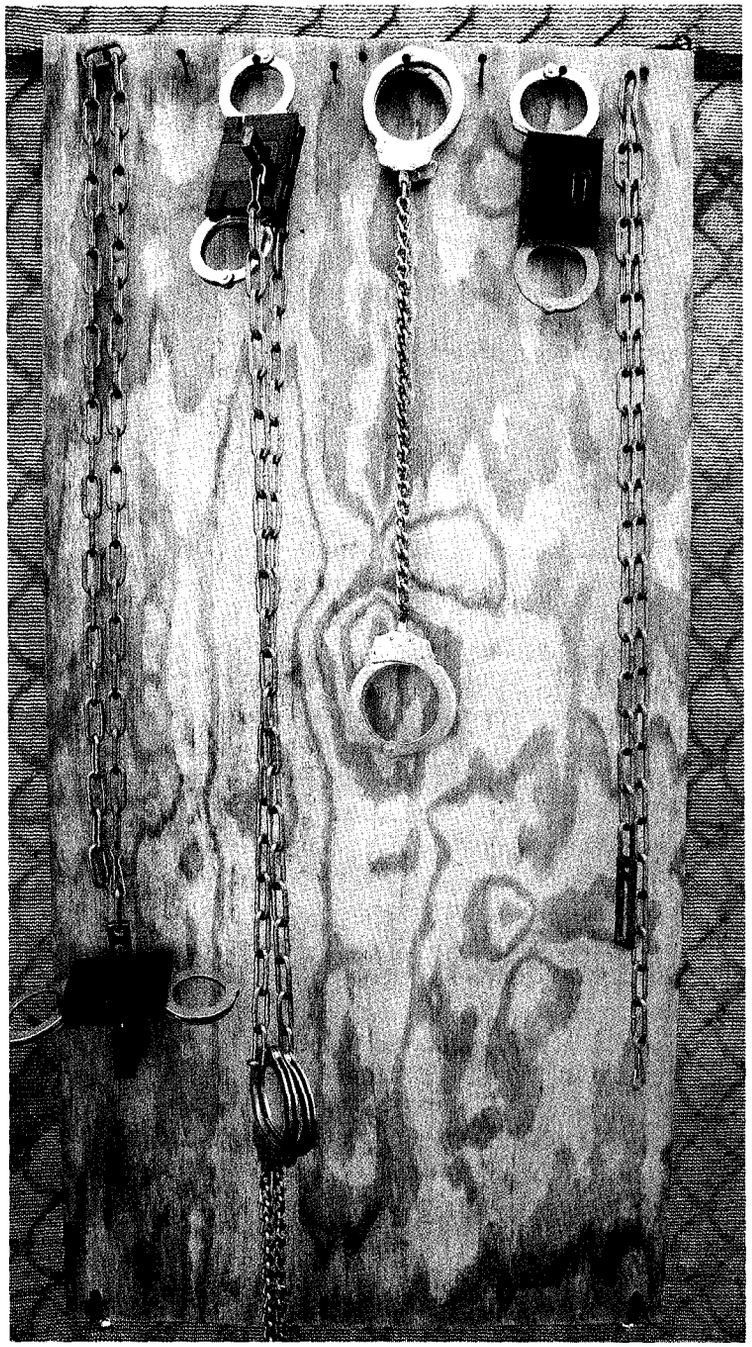
but denied recommending that SERE techniques be used on detainees.)

Tortured logic

By 2005, media reports about coercive treatment of detainees were becoming increasingly frequent and alarming. Since APA members faced being drawn into the BSCT teams, the group felt compelled to develop a set of guidelines. That task would fall in part to Gerald P. Koocher, an influential member of the board of directors, who would take over the APA presidency the following year. A short, pale, youthful-looking man in his late fifties, Koocher wears large glasses and bright bowties. He is dean of the School of Health Studies at Simmons College in Boston, and editor of the journal *Behavior and Ethics*. He's also a child psychology expert, and a scan of regional newspapers over the years reveals occasional quotes from Koocher about matters such as how to keep your kid from getting frightened on Halloween. By any standard, Koocher was an unlikely ally in the Bush administration's bid for expanded interrogation authority.

In fact, though, there were plenty of reasons why Koocher was unwilling for his organization to take a strong stand against administration policy—outside of its occasional criticisms of the White House's most extreme pro-torture positions. Psychologists have long had to face skepticism about the efficacy of their profession, and often feel that associations with the military enhance their credibility. As Reisner puts it: "The military put psychologists on the map." Jeopardizing relations with the armed forces could well lead to a loss of status and influence for the organization. In addition, former APA president Philip Zimbardo—who designed the famous "Stanford Experiments" in which students acted as prison guards and abused fellow students playing prisoners—notes that the military employs hundreds of psychologists, and that academic psychologists also depend greatly on military-related research funding.



GETTY IMAGES, PHOTOGRAPHER MARK WILSON

Beyond strictly military issues, the APA, like any other trade group, frequently seeks to influence government policy, and is therefore unwilling to alienate key decision-makers. Recently, for instance, the group has been pushing to amend state laws to allow psychologists to write prescriptions for medication, and their leaders had supported a now-defunct military pilot project allowing such prescription privileges. (Generally, in every state except New Mexico and Louisiana, only psychiatrists—in addition to other medical doctors—can prescribe.) The APA "has a vested interested in maintaining good relations with the Bush administration," says Zimbardo.

Koocher challenges that assertion, pointing to

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APA's stance in favor of the McCain anti-torture resolution. The measure passed by 90 votes, but Koocher, in an email, claims it took great courage for his group to back it: "Supporting an amendment in direct contradiction to the Administration's wishes was decidedly not the politically expedient thing to do in order to advance APA's financial interests. It was, however, the right thing to do, and APA did it, despite that doing so placed significant funding for psychology in jeopardy."

In truth, there was a more urgent concern driving the organization's approach to interrogations: the possibility that APA members who worked on the biscuit teams, by following military orders, had already become embroiled in interrogation methods that were ethically—and even legally—questionable. Retroactively disowning such methods might leave those members vulnerable to prosecution.

The ideal stand for the APA to take, then, would be no stand at all—or at least one that wouldn't inconvenience the Pentagon. And so, in February 2005, Koocher and APA president Ronald Levant led the creation of the blue-ribbon, 10-member Psychological Ethics and National Security (PENS) task force to study the problem. But they stacked the deck by ensuring that six of the 10 members were from the military. One was Capt. Bryce Lefever, a trainer at the Navy's SERE School and author of the lecture "Brainwashing: The Method of Forceful Interrogation." Another was R. Scott Shumate, director of behavioral science for the Pentagon's Counterintelligence Field Activity division, who, according to his own bio, had "engaged in risk assessments of the Guantanamo Bay detainees." There were also Michael Gelles, chief psychologist of the Navy's Criminal Investigative Service; Col. Larry James, chief psychologist for the intelligence group at Guantánamo in 2003; and Robert Fein, whose biographical blurb describes him as "a consultant to the Directorate for Behavioral Sciences of the Department of Defense Counterintelligence Field Activity."

The boldest choice of all was Col. Morgan Banks, the very man accused of helping to introduce SERE techniques to Guantanamo. "It was like a Monty Python spoof," says Dr. Steven Miles, a professor of bioethics at the University of Minnesota medical school who followed the process for his book, *Oath Betrayed*. "At a certain level, you had to laugh." Asked about charges that the APA stacked the deck, Koocher responded in an email that "the task force worked by consensus."

Any countervailing influence, then, would have to come from the four civilian members. But when the task force's discussions began, it soon became clear that the APA leadership was determined to resist their proposals. When Jean Maria Arrigo, an independent scholar on the ethics of military intelligence, and Michael Wessells, a professor of psychology at Randolph-Macon College, and a specialist in how children are affected by armed conflict, argued that international law such as the Geneva Conventions should be the gold standard in the APA's ethics code, Koocher, serving as a liaison from the APA board, was dismissive. "We're not going to go there," he announced. "International law doesn't have any standing in U.S. courts." (According to Arrigo, one of the military psychologists was even blunter, declaring: "We've taken an oath to our commander-in-chief.") Then, when Arrigo argued for an appendix of case histories that would clearly illustrate some examples of banned behavior, such as water-boarding, an APA lawyer who was advising the panel rejected the idea, warning that such examples could be used in court against psychologists. Wessells, still dissatisfied by the lack of specificity, cited the use of techniques like sleep deprivation as clearly out of bounds. To which one of the military panelists responded: "Maybe it's useful to an interrogation to wake someone up early."

Drafting the task-force report fell primarily to Stephen Behnke, a lawyer and psychologist who heads the APA's Office of Ethics. Behnke produced a rough draft on day one, a model of ambiguous wording that effectively determined the scope of the discussions. Ultimately, the final report did assert that "psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities." But, crucially, it did not offer specific guidance on what did and did not constitute torture. And it noted pointedly that "over the course of the recent United States military presence in locations such as Afghanistan, Iraq, and Cuba, ... rules and regulations have been significantly developed and refined." In other words: Things are changing. Good luck feeling your way about.

It was immediately clear to the civilian members that the report didn't go nearly far enough. Wessells warned that if it were allowed to stand as the APA's primary public communication on the issue, the group "will be body-slammed, and damage done to the association." Ultimately, though, they went along, after being assured by Koocher and other APA officials that examples of specific instances of impermissible interrogation would soon be addressed in a casebook to be produced by the APA's permanent ethics committee. Today, nearly a year and a half later, no such casebook has been

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> **What sort of experts on ethics write the Nuremberg defense into their code of conduct?**

released. "Things in an association will not always happen as quickly as some would like," says Behnke, who promises the casebook will be forthcoming in early 2007.

Mind games

Wessells's warning proved prescient. The APA's report, released in July 2005, met with widespread condemnation from human rights groups and many in the media. *The New York Times* and other news outlets noted Banks's role on the task force, and the prestigious *Lancet* medical journal called the report "a disgrace." The episode also helped open a breach between the APA and the rest of the medical community. After seeing APA raked over the coals for the timidity of its report, the American Psychiatric Association and the AMA released much stronger statements this year that flatly bar their members from participating in interrogation of enemy detainees. They also got specific: The American Psychiatric Association, for instance, prohibits its members from exposing any subject to "degradation, threats, isolation, imposition of fear, humiliation, sensory deprivation or excessive stimulation, sleep deprivation, exploitation of phobias, or intentional infliction of physical pain such as use of prolonged stress positions."

These divisions were dramatized in October of 2005, when APA president Levant and American Psychiatric Association president Dr. Steven Sharfstein traveled together to Guantanamo as guests of the Pentagon. On a day-long tour of the facility, the men glimpsed white-jump-suited Muslim detainees—but weren't allowed to talk to them. Sharfstein, alarmed by published reports about the BSCT teams and their potential to engage in torture, wasn't reassured by his visit and urged military officials to exclude psychiatrists from involvement in interrogations. Levant, by contrast, eagerly offered his organization's support to the military, announcing in a press release, "I saw the invitation as an important opportunity to continue to provide our expertise and guidance for how psychologists can play an appropriate and ethical role in national security investigations."

In the wake of the split, APA has taken some small steps to repair its image. In September, Koocher joined with leading health professionals and Physicians for Human Rights in publicly opposing the administration-backed bill that essentially allows it to disregard the Geneva Conventions, and explicitly condemning techniques such as water-boarding and stress positions. But APA has not relented on the most crucial issue that it faces: preserving the right of psychologists to participate in coercive interrogations. And, thanks to an earlier loophole in the APA's still-vague ethics code, psychologists are allowed to obey so-called lawful military orders instead of the APA's own ethical guidelines, even as the APA offers lip-service to opposing any involvement in torture. As Stephen Soldz, a Boston-based psychoanalyst and APA critic observes: "What sort of experts on ethics write the Nuremberg defense into their professional ethics code?"

This is by no means the first time that the leadership of a traditionally liberal Washington interest group has courted controversy by essentially siding with the Bush administration on a major policy issue over the objections of many of its members. In 2003, AARP provided crucial support for the corporate-backed Medicare prescription-drug bill—and lost thousands of members as a result. Three years later, that legislation has proved so costly and cumbersome that Republican lawmakers seldom talked about it on the campaign trail—and AARP now supports changing the legislation to allow the government to negotiate drug prices. But there's little evidence that APA is similarly reconsidering its position on interrogations. As Koocher approvingly noted in a paper on "21st Century" ethics that he presented at the APA's New Orleans conference: "The dictum of 'do no harm' has evolved to 'do as little harm as possible.'" ♦

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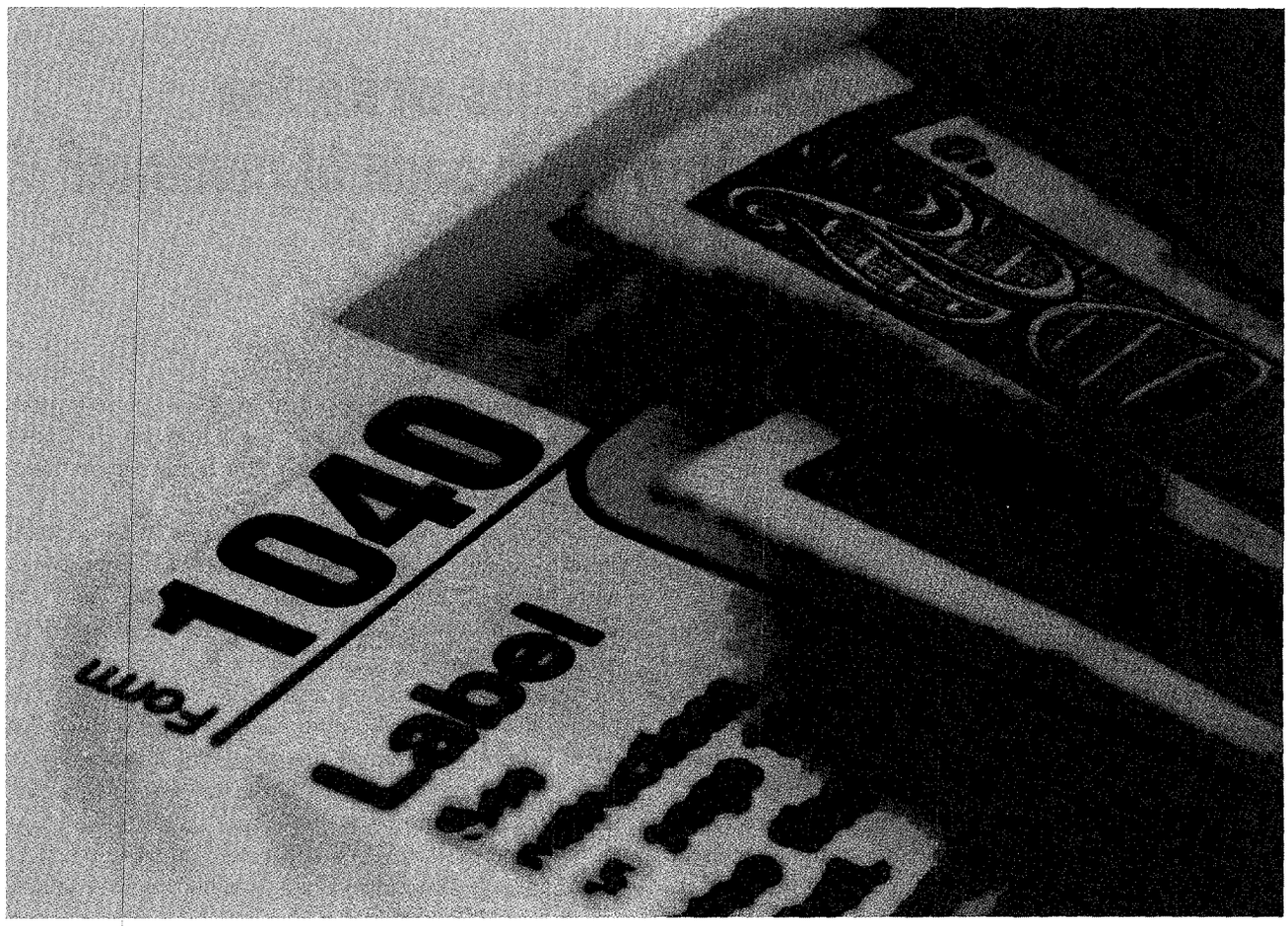

Read My Lips: Raise Taxes

The era of the tax revolt is over. How Democrats have an opportunity to redefine the politics of government.

By Mark Schmitt

The greatest challenge in politics is to understand when a political era is closing and the door to a new one is ready to be opened. Thirty years ago, a small band of conservatives understood that what they called the era of "tax and spend"—in which government grew inexorably on a tide of invisible tax increases through Republican and Democratic administrations—was ready to be challenged.

In 1977, Rep. Jack Kemp and Sen. Bill Roth introduced a bill to cut tax rates by a third and index them to inflation. They were radicals even within their party; this was the plan that George H. W. Bush called "voodoo economics." A year later, California passed Proposition 13 capping property taxes, and *Time* magazine almost ran out of extreme metaphors—"ava-

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lanche," "earthquake," "revolutionary"—to describe it. By 1981, a Proposition 13 supporter, Ronald Reagan, was president, and Kemp-Roth was the law.

Everyone active in politics today—virtually every elected official, every speechwriter, every strategist and pollster—came of age in the 30-year era of tax revolt. It is so deep in our blood that it is surprising to be reminded that there was a time when you could raise taxes and not lose elections. For 30 years, we have seen what happens to people who try straight talk on taxes: "Mr. Reagan will raise taxes, and so will I. He won't tell you. I just did." Those were admirable words, but the Democratic nominee who spoke them in 1984, Walter Mondale, went on to lose 49 states and the presidency. The casual dishonesty of George H. W. Bush's "Read my lips—no new taxes" was more politically successful in 1988, but when he inevitably broke the promise, he, too, lost the presidency. That's a lesson his son—and every Democrat—has learned well.

Just as the tax revolt era had a beginning, so will it have an end. And there are indications that the end might be approaching. In 2006, New Jersey governor Jon Corzine raised taxes. Many expected him to face the backlash that his ill-fated predecessor Jim Florio encountered in the 1990s. Instead, his approval ratings actually went up from the mid-30s to above 50 percent. In 2004, Gov. Mark Warner of Virginia formed a bipartisan coalition to raise taxes and left office in 2005 as one of the most popular governors in state history. This year, the movement to impose limits on state taxes using ballot initiatives (known as Taxpayer Bill of Rights or TABOR), failed in three states once voters— who appear to have become skeptical of tax-cut gimmicks and free-lunch promises—understood the consequences. Perhaps most tellingly, when Bush and the Republicans led a last-ditch defense of their congressional majority with millions of dollars in ads charging that Democrats would raise taxes, it had no impact. In fact, shortly before the election, voters said they trusted Democrats over Republicans on the issue of taxes by 12 percent—a result almost as unlikely as preferring Democrats on national security—even though they fully expected Democrats to raise taxes.

Still, few if any Democrats seem willing to bet much on that evidence that the tax revolt is ending. Almost all of the Democrats elected in 2006 talked much more about the Bush tax cuts they would vote to extend than those they would allow to expire, and when they did talk about allowing any of them to expire in 2010, it was always with a caveat such as "only for the top 1 percent," or "only for those with incomes over $300,000." Whether the public is more willing to accept taxes or not, Democrats are wary—with good reason—of carelessly reigniting the tax revolt.

But the truth is that we are heading down a path toward fiscal crisis that will inevitably require a major increase in revenues. In case that sounds like a euphemism, I'll say it plainly: Taxes must go up. If Democrats try to avoid that fact, they'll become mired in trench warfare with Republicans over small-bore increases that will cost them political support and won't really address the problem. But if Democrats seize the opportunity to define a new era of the politics of taxes, as Republicans did 30 years ago, they can shape the debate in a way that may actually help them to achieve some of their most-cherished policy goals.

Payback time

Everyone who looks at the numbers knows that taxes must go up. If we do nothing at all, the years 2007 through 2016 will bring deficits of $3.5 trillion outside of the surplus in Social Security. But doing nothing assumes that all the Bush tax cuts will be allowed to expire as scheduled in 2010 and subsequently. If the tax cuts are extended, and spending remains generally unchanged, the 10-year deficit will total $7.8 trillion. To balance the budget under these conditions would require cutting defense spending by 67 percent, Medicare by 54 percent, or every other program by a third, something that no one in politics has shown any willingness to do. The current path leads straight into a severe economic crisis.

Then consider the platform on which the newly elected Democrats campaigned: For almost all of them, fiscal responsibility—not necessarily a balanced budget, but an end to runaway deficits—was a key theme. Symbolizing an end to Washington's corruption and recklessness, fiscal responsibility is embodied in the Democrats' promise to restore "pay-as-you-go" budget rules, in which any new entitlement spending or tax cuts would have to be paid for by equivalent spending cuts or tax increases elsewhere.

Second, the new Democrats promised to retain those portions of the Bush tax cuts that benefit the middle class, as well as to fix the Alternative Minimum Tax (AMT), which increasingly takes the value of those tax cuts away from the upper-middle class.

And most significantly, all the new Democrats embraced an economic populism that is, so far, more of an attitude than a policy agenda but is reminiscent in some ways of President Clinton's early "Putting People First" agenda of investment in human capital.

These positions are not entirely incompatible, but there is only one way to fit them together: To avoid an

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Anyone serious about avoiding economic crisis must spend the next two years conditioning the political environment so that politicians can move with courage. That will require, first, establishing the idea that taxes must increase as a non-debatable fact.

economic crisis or massive cuts to existing programs, taxes will have to increase by at least the amount of the 2001 and 2003 tax cuts that are scheduled to expire. And if we are to restore the promise of activist government that can solve problems and help families make it in a difficult, dynamic economy, then taxes are going up even more, beyond what can be raised by letting the tax cuts expire.

Well before the election, budget expert Stanley Collender wrote, "Whether it is fear, resignation, or just reality setting in, an attitude adjustment in the federal budget world is now definitely palpable: there is a growing likelihood that taxes will have to be increased to reduce the deficit."

But between inevitability and action falls the shadow. No one will say it. No one, Democrat or Republican, wants the responsibility for making the connection between taxes and the security, stability, and services we expect from government.

So to make it possible to talk about revenues when the opportunity arrives to actually do something about revenues, Democrats and anyone else who is serious about avoiding economic crisis must spend the next two years thinking and planning how to condition the political environment so that politicians can move with courage. That will require, first, establishing the idea that taxes must increase as a non-debatable fact; second, fixing the political process that has greased the way for tax cuts; and, third, setting the framework in which we talk about taxes.

Joining the Pigou Club

The first step will be to establish an acute sense of fiscal and economic crisis. That won't be difficult, since it's true. The difficulty is in expressing it the right way. "The deficit" is an abstraction. As long as we accept that balanced budgets every year are not a realistic goal, the difference between a deficit of $150 billion and $600 billion is meaningless. Instead, Democrats should emphasize tangible consequences—such as a choice between cuts to vital services and a devastating economic shock versus manageable tax increases.

Corzine's success in raising taxes is a good example of using a crisis to create some political room. To force a reluctant legislature to act on the budget, Corzine let more than half of state government shut down for a week. The alternative to a tax-raising deal was visible chaos. There's also a parallel in the Iraq War: As recently as spring of 2006, "stay the course" was a positive idea; anyone who questioned it was seen as weak. But over the course of just a few months, "stay the course" became synonymous with rolling disaster, and everyone disowned the term. Staying the course with regard to fiscal policy needs to be regarded as equally negligent.

Connecting tax decisions to their consequences depends first on repairing some of the abuses of the political process that keep them separate. Eugene Steuerle, a Treasury official in the Reagan years who is now at the Urban Institute, often points out that, "the problem is process, not policy." And there's nothing accidental about the process. A centerpiece of Karl Rove's design for government, which lives on even after his electoral strategy has been buried, is the radical separation of tax decisions from spending decisions, so that tax choices are always viewed in isolation from their consequences. In the past, every three or four years, Congress would enact one large budget bill under the special anti-democratic process known as reconciliation, which limits debate and amendment. Almost always, these bills incorporated both spending and tax changes, and without exception, they reduced the deficit. That was, after all, the point. But starting in 2001, Congress has passed reconciliation bills every year, usually containing only tax cuts, and last year, it passed two—one with tax cuts and another with spending cuts, carefully separating them in time so that it could never be said

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that the tax cuts were forcing the spending cuts.

This particular abuse of the process is possible only when one party controls both houses of Congress and the White House, so it will be thwarted for now. But Democrats could change the budget rules to require that bills pushed through under the reconciliation process lead, on balance, to a reduction in the deficit. (This change, which would not require a presidential signature, is included in Rep. Barney Frank's (D-Mass.) plan for congressional reform.) And the pay-as-you-go rules, which many liberals are wary of, thinking that they would hold back investment in public services, are absolutely central to breaking the racket of cheap tax-cut politics. Without pay-as-you-go, Republicans would be free to propose tax cut after tax cut, starting with permanent repeal of the estate tax and extension of all the Bush tax cuts, and some Democrats would balk at voting against them. But with pay-as-you-go, every such proposal would have to be linked directly to a consequence, and those consequences will not be popular. With pay-as-you-go in place, the dishonest politics of tax cuts comes to an end.

While process changes might slow down the rush to cut taxes, however, process alone will not be sufficient to change the political calculus around the tax increases that will be necessary. To force a broad discussion of taxes and revenues, and one that could be bipartisan, it should begin with the term "tax reform." Fairness and simplification should be the first goal. The 1986 tax-reform bill, which lowered rates, eliminated loopholes and simplified the system, stands to this day as one of the last great landmarks of bipartisan, problem-solving government.

At least one observer thinks a similar breakthrough is possible even in the next two years. Bruce Bartlett, a Reagan advisor who fell out with the current Bush administration over its betrayal of small-government conservatism, argues that the circumstances that led to reform in the 1980s were similar to today's: The Republicans saw that their strategy of cutting tax rates had reached its limits, while Democrats since the 1950s had been interested in closing tax shelters and loopholes. If they were to continue lowering marginal rates, Republicans would have to find common ground with Democrats interested in broadening the base, as they did in 1986. (The opposition came from those who liked the system of nominally high rates, which gave politicians the power to cut them selectively for favored constituents.) Similarly, Bartlett believes, Republicans will soon recognize that extension of all the Bush tax cuts is impossible. When paired with a Democratic desire to make good on promises such as extension of a few tax cuts, along with AMT relief, that realization might produce a similar moment of compromise.

This is, to be sure, by far the most optimistic scenario I heard from either Democrats or Republicans, and the only one that foresaw significant action between now and the 2008 election. Even Bartlett admitted, however, that "it's quite possible that Rove will do some polls and tell the Republicans to let the Democrats deal with the problem and then we'll come back and beat them in 2012."

That's probably more than possible, which means that the moment for real tax reform will come after the election of a new president, though not necessarily a Democrat, in 2008. In that case, the project of the next two years is to define what "reform" means, much as the early proponents of tax reform in the 1980s, former Sen. Bill Bradley and Rep. Dick Gephardt, did with their "Fair Tax" proposal of 1982. (I worked for Bradley several years later, so I'm deeply steeped in the legend of tax reform.) For conservatives, tax reform has recently been synonymous with a single-rate flat tax, which is neither fair nor simple, since most of the complexity of the tax code derives not from the number of rates but from the different definitions of income. As an alternative, another tall, smart Democrat, Sen. Ron Wyden of Oregon, has emerged into the Bradley role, with a proposal that would redefine simplification and fairness by taking as its central idea that all income, from whatever source, should be taxed the same. In particular, this means ending the favorable treatment of capital gains and dividend income.

Public opinion polls suggest that making the system fairer and simpler might be far more appealing than tax cuts ever were. A poll by Greenberg Quinlan Rosner Research in 2003 found that when people were asked, "What bothers you most?" about the tax system, 77 percent said it was either complexity or the feeling that wealthy individuals and corporations don't pay their fair share, while only 14 percent said what bothered them was the amount they themselves pay in taxes. Nonetheless, people are notoriously averse to "tax the rich" proposals if they see them as punitive. The idea of treating investment income and income from work identically, which was a centerpiece of John Edwards's 2004 campaign, would seem to finesse that paradox by establishing a neutral principle that applies to rich and poor alike.

But while fairness should be the main goal of reform, fairness alone will not raise revenues adequate to meet government's needs. One of the brilliant tactical moves of the mid-'80s tax reformers was to first agree that reform would be "revenue-neutral," so that

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A giant showdown with all revenues and spending on the table would certainly call the bluff of Republican conservatives who say they want to cut spending but have never been willing to take the political consequences of doing so.

issues of raising or lowering taxes would not get in the way. At a recent press conference with Bradley, Wyden sounded nostalgic for those days, answering questions about revenues with a promise that reform would do no more than "lower rates and close loopholes." But revenue neutrality is not a luxury that 21st-century reformers can afford. In place of revenue neutrality, they will have to adopt some predetermined target level of revenues that will keep pace with the natural growth of entitlement programs because of the aging population and health-care inflation—the main drivers of the so-called "entitlement crisis." Even with a target level of revenues much higher than today's 17 percent, they will still be unable to avoid significant cuts to the two fast-growing entitlements, Medicare and Medicaid, or a wholesale revision of the health system. This, too, creates an opportunity for bipartisanship.

If the tax reformers of the future are to make good on the promise of lower rates, as well as surrendering the revenues from the AMT, as well as paying for an aging population, they will have to go well beyond the boundaries of the income tax. And here is where the greatest opportunities for an entirely new political configuration may be found. Conservatives have always been interested in taxing consumption as a way of encouraging savings and investment, and liberals in need of revenue will have no alternative but to reconsider their historical aversion to consumption taxes as regressive.

Taxing consumption is usually synonymous with some version of a Value-Added Tax, (VAT) which is slowly gaining acceptance among liberals. (See "Value Added," by Jeffrey Birnbaum, p.34.) An alternative would be a tax either on gasoline (always unpopular) or more broadly on energy use, which could be built with incentives and subsidies for clean-energy technology and thus help address climate change as well as ameliorate dependence on the Middle East. Broad energy taxes have an unfortunate political history (old-timers in Congress will not soon forget the phrase "we got BTU'd" from 1993, when House Democrats voted for a politically risky energy tax based on BTU usage, only to see the Senate drop the plan). But the politics of an energy tax today would be very different, offering the potential to reconfigure our relationships in the Middle East, address climate change, and create jobs in cleaner, more efficient innovations, a field that many believe will be the next driver of the American economy. Washington insiders will also note that when the BTU was killed, it was because Democrats from oil states such as Louisiana, Texas, and Oklahoma dominated the Finance and Energy Committees, as they always had. Soon afterwards, those states threw their lot in with the Republican right. Today, the oil industry has lost its influence in the Democratic Party and is unrepresented on the Finance Committee. Oil companies are a ripe, unprotected target.

There is also renewed interest in energy taxes on the moderate right. A former Bush economic advisor, Greg Mankiw, recently announced the formation of the Pigou Club (named for the British economist Arthur Pigou, a colleague of John Maynard Keynes), an informal and involuntary alliance of economists and commentators who advocate carbon or energy taxes, or other "Pigovian" taxes that have the simultaneous effect of raising revenues and reducing consumption of something undesirable. Pigou Club members are deemed by Mankiw to have "signed up" when they say something in public favoring such taxes, and range from Alan Greenspan and Martin Feldstein to Al Gore and Paul Krugman.

While consumption taxes are inherently less fair

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than a progressive tax on income, there are ways to moderate its unfairness, and if a consumption tax were directly linked to a positive social good—such as a VAT that pays for universal health care—the entire package, taken together, would be enormously progressive.

Think big

As one tries to game out what might happen on taxes in the years ahead, the strategy seems to get bigger and bigger: We start by revisiting the Bush tax cuts but move to comprehensive tax reform, and from reform of the income tax, we move to a more sweeping change that would balance taxation of consumption and income. Steuerle, the former Reagan administration Treasury official, argues that reformers of the future should go bigger still and put everything on the table, including cuts to entitlement spending and increases in other spending. A veteran of the 1986 reform, he argues that it is a bad model specifically because its scope was limited to taxes. As a result, provisions added to win votes were added to the tax code rather than provided through direct spending.

A giant showdown with all revenues and spending on the table would certainly call the bluff of Republican conservatives who say they want to cut spending but have never been willing to take the political consequences of doing so. At the same time, it might allow Democrats to put on the table some of the tangible benefits of additional revenues, such as funding for expanded health coverage or for real economic security programs to help workers manage the risks of the economy.

The risk here is of putting too little on the table rather than too much. If the fight is just about extension of a particular tax provision, it will be hard to win. And if politicians aren't willing to talk honestly about the magnitude of the changes necessary, the default will be excruciating: In a few years, we will enter a period of chronic crisis, scraping by each year with a painful series of budget gimmicks, fee increases, and disguised tax hikes—just enough to get by for the year before the dreary cycle begins again. After a few years, the public impression would be of a government that is constantly raising taxes, constantly cutting services, yet never solving either the fiscal crisis or other problems. And the grinding obsession with that abstraction called "the deficit" would continue to make it impossible to reconnect taxes with the benefits and security people expect from government.

With so much on the table, there is the potential for a complete transformation of government, one that would restore a platform on which to rebuild a role for an active, problem-solving government and a fresh-thinking ambitious politics. It would be the ultimate act of reconnecting taxes, public responsibilities, and public goods, replacing the era of invisible tax increases before 1981, and the tax-cut revolt that has prevailed since then, with a new era of clarity and informed choice.

And while there might be a great political risk, a new president might choose to absorb all the costs of raising taxes at once, early, then build from that stable foundation. Grand moves in policy often occur quickly in a president's first year, taking no more than a few months of intense legislative and political maneuvering to resolve. Reagan's budget and tax cuts were finished by August, as was Clinton's vast budget package. But the ideas and assumptions that make such moves possible can always be traced to work and thought over the several years preceding them. If politicians begin to think and talk about the need to raise taxes now, there might be an alternative to denial and desperation. ♦

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Value Added

A new take on the tax that liberals used to hate.

By Jeffrey H. Birnbaum

The value-added tax is the one method of collecting revenue that many conservatives actually love. A VAT taxes each step in the chain of production, calculating the increasing value of a commodity or service as it moves toward distribution. A sales tax, in contrast, is levied at the final retail stage only. Popular in Europe, the VAT is an encumbrance that conservatives would rather not have, of course, and they worry that it could be increased too easily. But at least it hits the right sorts of people: consumers. The conservative ideal is for taxes to be imposed on consumption rather than investment, and the VAT fits the bill. If taxes are necessary (and even the most conservative commentators agree that they are), they should at least provide an incentive for people to save and not to spend. The pool of capital that's accumulated as a result of that incentive is what the right wing believes helps the economy to grow. Conservatives also appreciate that a VAT acts economically very much like a flat tax, which is a longtime right-leaners' favorite.

Liberals have traditionally been wary of the VAT for some of the same reasons that conservatives approve of it. The last thing a liberal wants is a tax that places a disproportionate burden on the people who are least able to pay it. And the VAT, like all taxes on consumption, is regressive at its core. Low-income people spend a much larger percentage of their earnings on consumer goods than rich people do. Liberals prefer the progressive income tax as a revenue source because the higher up the income scale people go, the higher tax rate they pay. From the vantage of the political left, a VAT is the wrong way to go.

Or at least that's the way it used to be. Now, some liberals are beginning to embrace the VAT, and for plenty of good reasons. The main one is that government, which liberals favor, is increasingly struggling to make ends meet; federal programs desperately need a shot of new revenue to survive, and liberals will have to turn somewhere.

> **If a VAT is used to fund a major social program otherwise unavailable to the middle class and working class, the overall effect will be progressive.**

The federal revenue shortfall, already more than $200 billion a year, will reach even more mammoth proportions in the next decade or two. The biggest drivers of this problem are entitlement programs led by Social Security and Medicare—two of liberals' most precious policies. Those two alone will soon gobble up more than half of the federal government's annual budget, already at $2.7 trillion.

Another trillion-dollar problem is the alternative minimum tax. Because of a glitch written into the law 20 years ago, by 2015 more than 50 million Americans will be covered by the alternative system, which was supposed to be for millionaires only. Clearly, that's politically unsustainable. Such a development would be too obvious and too widespread a tax increase. And the final trillion-dollar blow is tax relief. Even a Democratic Congress will almost certainly want to extend some of the president's tax cuts—those that benefit the middle class, such as lower individual tax rates, marriage penalty relief, and an increased children's credit.

But each of these items will blow a hole in the federal budget. Where will the money to plug them come from? Raising income taxes? Raising the estate tax? Neither is likely because both are too virulently

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opposed by Republicans and moderate Democrats. "There's no way we could pay for government without some additional source of revenue. We're getting to the point where the income tax is being pushed as far as it can go," said Leonard E. Burman, a tax expert at the Urban Institute.

More and more people, including liberals, are pointing to a VAT as a better solution. One reason is the realization, among left-leaning economists, that a VAT's regressivity can be reduced, if not completely offset, by exempting staples such as food and clothing. Another is the recognition that if a VAT is used to fund a major social program otherwise unavailable to the middle class and working class (such as universal health care) the overall effect will be progressive even if the tax itself is regressive.

"There's no reason that a VAT can't be a part of a progressive system," said William G. Gale, a tax scholar at the liberal-leaning Brookings Institution. "The revenue has to come from somewhere and there aren't that many options." Gale is not alone. Tax experts from other left-leaning bastions also believe that a VAT may be inevitable. "A VAT is in our future," Burman concludes.

In addition, many top academic thinkers have been working for years to devise a new-yet-progressive tax system that includes a VAT. For instance, Michael J. Graetz, a Yale University Law School professor, has recommended that every married couple that earns up to $100,000 a year be exempted from the income tax—a highly progressive notion—and that couples above that level pay a simplified income tax. He would then impose a VAT of perhaps 14 percent to pay for a variety of things—including, perhaps, improved health care—that would especially benefit the working class.

Not everyone accepts this formulation, of course. But such thinking has already begun to attract prominent Democrats. Former House Ways and Means committee member Rep. Thomas J. Downey is one of many Democrats who think Graetz is onto something. Downey wants his fellow party members to think more highly of a VAT. "A grand deal is needed," he says. From a liberal perspective, a VAT could add a lot of value. ♦

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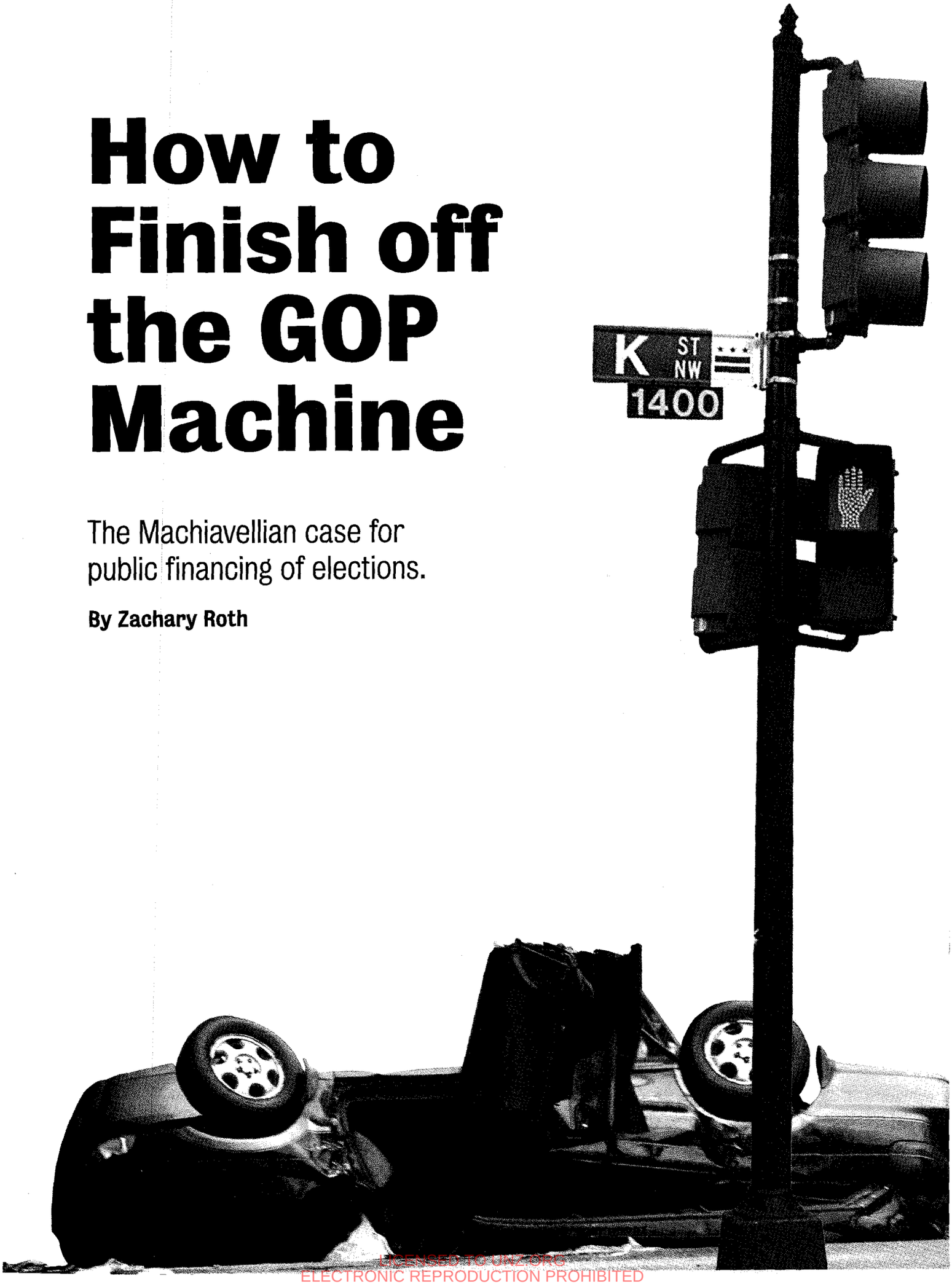
How to Finish off the GOP Machine

The Machiavellian case for public financing of elections.

By Zachary Roth



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Early this summer, in one of the periodic manifestations of the herd mentality for which this city's pundit class is known, official Washington decided that corruption didn't matter. The main piece of evidence for this conclusion was the special election in June to replace Randy "Duke" Cunningham, the California Republican congressman who months earlier had been convicted of bribery. The Democratic candidate had made issues of ethics and influence the focus of her campaign—and wound up losing to a former GOP lobbyist. "The culture of corruption isn't selling," declared *Slate*'s John Dickerson the following day, referring to the Democrats' label for the Republican scandals of the previous year. Democrats largely accepted the new conventional wisdom, deciding merely to check the box on corruption, rather than making it a focus of their pitch to voters. As the campaign wore on, they invoked the "culture of corruption" less and less frequently. Several Democratic strategists told me before the election that they just didn't think people cared that much about the issue.

As it turned out, both the pundits and the party were wrong. In official exit polling, more voters named corruption as an extremely important issue than any other, including Iraq. Since then, some pollsters have challenged the way the question was asked on the survey, and expressed doubts that concerns about corruption really did outweigh those about the war. But no experts deny that the issue played a much more crucial part in the Democratic win than almost anyone had expected.

Without really asking for it, then, Democrats have been given a mandate by voters to clean up Washington. Rather than running with it, however, the party is poised once again to check the box on corruption. Democratic leaders have announced that, in their first 100 hours in office, they'll introduce an ethics- and lobbying-reform package that would ban lobbyist-financed gifts, meals, and travel; mandate disclosure of all member contacts with lobbyists; and address the problem of earmarks by requiring that the sponsors of funding for home-state pet projects be identified, among other steps. These measures are a clear improvement on the toothless approach embraced by congressional Republicans in the wake of the Jack Abramoff scandal last year. But few seriously believe that they get to the heart of Washington's influence problem. That problem will exist as long as elected officials must raise large amounts of money to run for office from the organized economic interests they're supposed to be regulating. That's why any serious effort to clean up Washington must break the connection between money and elections.

The only way to do that is to provide candidates for office with public revenue to run their campaigns. Such a system of public financing has been the brass ring for reformers for three decades. Versions of public financing have been passed in both Arizona and Maine, where candidates for legislative and statewide offices can receive campaign dollars from the state treasury (see "How Public Financing Works," page 38). Having been beta-tested, and shown to work effectively, over half a decade at the state level—and now that the issue of money in politics is at the height of its public awareness thanks to the sins of the Republican Congress—this is the perfect time to take the system nationwide.

But despite the efforts of some committed reformers in Congress, neither chamber's Democratic leadership appears likely to put the issue squarely on the agenda during this session. The office of Speaker Nancy Pelosi (D-Calif.) told me that, though she herself supports public financing, she has not yet decided to make it a "caucus position"—and she has conspicuously failed to sign a public-financing pledge being circulated by good-government groups. Senate Majority Leader Harry Reid (D-Nev.) has been no more enthusiastic.

This is a crazy decision. Leave aside the fact that, without public financing, you can't begin to reform Washington's pay-to-play legislative system. Leave aside the fact that major progressive policy goals—from universal health care to a fairer tax code—probably can't be achieved without public financing. Leave aside, even, the fact that the current system, which winds up giving outsized political influence to those who can afford to fund campaigns, is a grievous affront to the ideals of the founding fathers. Focus instead on what is, to elected officials, the most important consideration of all: crass political advantage.

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By failing to unite behind public financing, Democrats may be blowing a once-in-a-lifetime opportunity to, as President Bush is wont to say, "change the game" of American politics in their favor. It's no accident that the rise of conservative power in Washington that began in 1980 and accelerated after 1994 coincided with an exponential increase in the cost of political campaigns. Any system that uses corporate dollars to fund candidates' bids for office will, almost by definition, advantage the party that hews closest to corporate interests. Over the last 12 years, Republicans have figured out how to exploit that dynamic to build a political machine with which they have dominated their opponents. Now that Democrats are back in power, they have a choice: They can try to adapt to that system by going all out to get their share of the spoils. Or they can destroy it altogether by cutting off the money on which it depends.

Partisans for public financing

Today, many in Washington see public financing as the province of earnest good-government types—the kind of people who live in older northeastern suburbs, and lobby their town council for safer swing-sets. But the issue's first modern-era champion could hardly have been further from that image. Sen. Russell Long—the son of Huey P. Long, the legendary Louisiana governor who built a machine that dominated state politics in the 1920s and '30s—was a hard drinker, wily political operator, and close ally of LBJ, who understood how public financing could be used as a political tool. In 1966, concerned about the Republicans' growing ability to out-raise his party, Long proposed a system that would have provided federal funds for presidential and congressional candidates who agreed to spending limits. His bill passed, but Congress voted the following year to make it inoperative pending further review—thanks in large part to the fears of Sen. Robert Kennedy and his supporters that it would reduce the advantage of candidates with large amounts of private money. A year later, Sen. Kennedy used much of his family's private fortune to challenge LBJ for the Democratic nomination.

The issue reasserted itself after the Watergate scandal—in which the Nixon White House used anonymous campaign contributions to fund a slew of political dirty tricks, including the break-in at the Watergate building itself. In 1977, majorities in both houses of the Democratic Congress supported a new public-financing proposal, but Senate Republicans filibustered the bill. That set a pattern. Over the ensuing 17 years, various legislative efforts on public financing attracted majority support, only to be filibustered to death by Senate Republicans.

The GOP has consistently opposed public financing over the years, in part out of a stated ideological aversion to all but the most essential forms of non-defense-related public spending. But there's little doubt that much of the Republican opposition derives from the accurate assessment that the existing private system favors them. In 1988, Sen. Mitch McConnell (R-Ky.)—today the Senate GOP leader and the standard bearer for the party's opposition to all forms of campaign-finance reform—admitted as much: "What this is all about is a struggle for partisan advantage," he told Jim Lehrer. Democrats, McConnell said, "don't do as well with...contributors as we do."

Finally, in 1992, thanks in part to the efforts of Senate Majority Leader George Mitchell, Democrats overcame the filibuster, only to see President George H.W. Bush veto the bill. Movement conservatives always hated the elder Bush, but without this veto, which preserved the private system, they almost certainly could not have come to dominate the political landscape over the next 15 years as completely as they did.

In truth, though, by the early 1990s, many

How public financing works

There are numerous approaches to providing public financing, but the most viable would be an optional system in which, to qualify for public funds, a candidate would be required to show a basic level of grassroots support and organization by collecting a certain number of small (probably around $5) contributions. He would then be given a grant for the primary campaign and a separate grant for the general. If his opponent chose not to participate in the system, the participating candidate would receive "fair-fight funds," allowing him to stay competitive. Equally, if any outside group—from the Republican National Committee to the Chamber of Commerce—spent money in support of the non-participating candidate, the participating candidate would receive a check for the value of that spending.

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Democrats had grown less enthusiastic about public financing. Over the preceding decade, Rep. Tony Coelho, in his role as chair of the Democratic Congressional Campaign Committee, had led an effort to increase the amount of corporate money the party raised. Coelho's success convinced Democratic House leaders Tom Foley and Dick Gephardt that the system of private financing could be made to work for their party. Many reformers believed that Foley and Gephardt only allowed the 1992 bill to pass because they were confident that it would be vetoed.

Indeed, the following year—with a Democrat in the White House who had pledged his support for reform—Foley did not let public financing out of the House. President Clinton, sensing a tough inter-party battle, chose to spend his limited political capital elsewhere. That proved a crucial turning point: With the system of private financing now unchallenged, Republicans—after taking Congress in 1994—had free rein to build the political machine they would use to dominate Democrats over the next decade.

That machine works as follows: First, Republican leaders pressure major K-Street lobbying shops to hire loyal GOP lieutenants—usually former congressional aides—in place of the pragmatic corporate executives who used to be in charge. That allows the party to subsume K Street's vast resources—its lawyers, lobbyists, PR professionals, and, most important, its money—into the Republican political operation. Through their allies on K Street, GOP leaders can ensure that lobbying firms give the lion's share of their donations to Republicans—helping to perpetuate the party's political dominance. The numbers speak for themselves. In 1993, when Democrats controlled Congress and the White House, 19 key industries—including accounting, pharmaceuticals, and defense—gave roughly evenly between the parties. By 2003, they gave twice as much to Republicans as to Democrats.

A closer look at the numbers makes the GOP's money advantage—particularly after 2000 when it had also captured the White House—even clearer. In the 2002 cycle, Republicans out-raised Democrats by over one third, according to figures provided by the Center for Responsive Politics, and which include contributions to individual candidates, to the parties themselves, and to their various committees. In 2004,

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Republicans out-raised Democrats by almost one quarter. And in 2006, when Democrats appeared likely to retake Congress, Republicans still had an advantage of almost 14 percent. In other words, even in a year when Democrats were favored, the GOP comfortably won the money race. And in the years when Democrats were the underdogs, it wasn't even close.

Goodbye to all that

A system of public financing would even out the financial playing field that now favors Republicans so decisively. This is no small thing: Over those last three election cycles, the House candidate who spent more money won almost 95 percent of the time. "In a system where big money and the ability to raise big contributions is dominant, those who have access to that big money are going to do better," says a senior Senate Democratic aide. "And on a really broad scale, that's Republicans, not Democrats."

But more than that, public financing would deal a death blow to the machine itself. Of course, lobbying groups will still have ways of exerting influence outside of the campaign-finance system—by, for instance, running fake grassroots campaigns in support of favored causes, as the pharmaceutical industry did in 2003 to help pass the Medicare drug bill. Without campaign contributions, however, the top-down control on which the system depends would quickly unravel. That's because contributions, unlike other forms of assistance, can legally be coordinated between the donor and the recipient. It was this ability to coordinate that let GOP leaders establish themselves as the funnel for corporate money. Since they then had the power to distribute that money, they could all but compel members to vote with the party. And that, in turn, allowed them to tell K Street: Support us and our agenda completely if you want Congress to support yours. Take away the money, and that two-way discipline vanishes—and with it the machine itself.

Public financing would also help Democrats in a less quantifiable, though perhaps equally important, way. It's hard to deny that, for all their recent success, Democratic candidates can still sometimes appear vacillating and less sure of their principles than their Republican opponents. One reason why is that the private campaign-finance system not only favors the GOP in real terms, but also forces Democrats to talk out of both sides of their mouths when campaigning. Currently, Democrats—especially the more progressive ones—must ask for votes by claiming they'll stand up for working people, while at the same time, though more subtly, keeping one eye on the interests of their corporate benefactors. The results, though rarely scandalous, can often be embarrassing, as when *Harper's* recently noted Sen. Barack Obama (D-Ill.) selling student environmental activists on the virtues of a renewable fuel based on ethanol—the use of which benefits one of the senator's major contributors, Illinois-based Archer Daniels Midland. Because Republicans make less claim to represent the interests of working people, this conflict is far less acute for them. A public-financing program would get Democrats out from under this oppressive system, which forces them to compromise their ideals—or at least creates the impression that they're doing so.

Finally, public financing will help Democrats politically simply by making it easier for them to pass their agenda. In recent years, the party has at times failed to stay united on major economic votes like the bankruptcy bill of 2005, in part because some members have caved to their corporate backers. If Democrats hope to fix the Medicare drug plan or repeal some of the Bush tax cuts, they'll need to reduce these defections. Ending the link between corporate money and elections will make it easier for Democrats to side with their constituents, not their contributors. And creating a record of legislative accomplishment is perhaps the most effective way for Democrats to boost their political prospects.

Of course, for the next two years, with President Bush in the White House and Democrats with only the narrowest of majorities in the Senate, there's no real chance of passing public financing. But Democrats can use this period to define for the press and public what real reform means, and to unite behind it, with an eye to passing legislation after 2008. And in the meantime, firmly planting their flag for reform will bring rewards of its own.

First, getting behind public financing will help inoculate Democrats from the charge that they're no less corrupt than the GOP. Inevitably, over the next few years, another William Jefferson—the Louisiana Democratic congressman who is being investigated for corruption by the FBI—will emerge. Just as inevitably, Republicans will react by charging that Democrats are no purer than their predecessors—and the media, always afraid of appearing biased, will echo that line. (A *San Francisco Chronicle* editorial from November offered a preview: "History suggests that a party coming into power by running against a 'culture of corruption' will be no less vulnerable to its temptations once the euphoria of the election subsides.") When this happens, the only truly effective response to these charges of equivalence is for Democrats to assert the need for

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> **The private campaign-finance system not only favors the GOP in real terms, but also forces Democrats to talk out of both sides of their mouths when campaigning.**

fundamental reform of the system—reform that Republicans will not support. Doing so would make each Democratic impropriety not an embarrassing deviation from the party's agenda, but rather, another compelling piece of evidence for it.

Second, championing public financing could also help Democrats defend themselves against another set of charges from Republicans and the press: that their conduct of congressional oversight is vindictive and backward-looking. Even during the campaign, the GOP preemptively trotted out this line of attack, repeatedly warning that Democrats' endless partisan investigations would plunge the nation into turmoil. This spin won't work, though, if Democrats use the hearings not just to shine a spotlight on a rotten system but to propose solutions for fixing it. Most of the major areas that Democrats will investigate—waste and fraud in Iraqi contracting, the slow pace of post-Katrina reconstruction, and the flawed Medicare drug bill, for instance—are a direct result of connections between Republicans and their corporate contributors. By uniting early around public financing as the only permanent solution to endemic cronyism and corruption, Democrats can enhance their ability to exercise their constitutional powers of oversight.

Finally, a concerted Democratic push on public financing could exacerbate damaging rifts in the Republican party. The GOP leadership, and the vast majority of rank-and-file members in both houses, will oppose reform. That will force the party's presumptive presidential front-runner, Sen. John McCain (R-Ariz.), to make a choice. Either he can side with his Republican colleagues and risk losing his image of independence and integrity—forged in large part through his leading role in the last major campaign-finance reform, the soft-money ban of 2002. Or he can support public financing, once again putting himself at odds with his own party—at the very time that he'll be trying desperately to prove his Republican bona fides in advance of the primaries.

Take one for the team

Some Democrats do want to move forward with public financing. Obama, perhaps the party's most charismatic spokesman and a possible 2008 presidential contender, is a strong supporter, and Sen. Dick Durbin (D-Ill.), now the Senate number two, is working on a public-financing proposal which he intends to introduce later this session. (Rep. John Tierney (D-Mass.), a longtime public-financing supporter, has already introduced a similar measure in the House.) Though Pelosi has not signed the pledge to back public financing, 101 Democratic House members, including 23 out of 41 incoming freshmen, have.

Yet despite the fact that almost three in four voters support public financing, according to a recent poll commissioned by the good-government group Common Cause, many lawmakers remain wary. "Right now, there aren't 25 votes [in the Senate] for a full public-financing system," a senior Senate Democratic aide told me. There are three major reasons for this reticence.

First, some see it as quixotic. Why spend political capital on an effort that's certain to fail? In fact, though, it's not hard to envision how public financing could come about.

To begin, Democrats would need to win the White House in 2008, for which their prospects currently appear strong. Then, in order to overcome a filibuster, they would need 60 Senate votes in support. That's more viable than it might at first appear: In 1992, Democrats broke a filibuster at a time when they held

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55 Senate seats. Today, they hold 51 but appear likely to make gains in the next election, when 21 Senate Republican incumbents, and only 12 Democrats, are up for reelection.

And there's reason to think that public financing could attract as many GOP defectors as it did in 1992. It's not just northeastern moderates like Maine senators Olympia Snowe and Susan Collins who might be receptive to the idea. More intriguingly, the GOP's social-conservative base has in recent years begun to feel taken for granted by their party, which depends on them to win elections but has routinely sided with its financial backers on issues from gambling to global warming to predatory loans. In the context of a congressional fight over public financing, the movement's grassroots activists could easily come to see the system as a way to reduce the influence of corporate interests on the GOP, and consequently strengthen their own hand. That could be enough to sway socially conservative Republican senators like Tom Coburn of Oklahoma and Sam Brownback of Kansas.

Another reason that Democrats are reluctant to get behind public financing is the thought of asking voters to foot the bill. It's one thing to ask the American people to fund a highway—quite another to suggest that they pay for negative campaign ads for politicians. This is an understandable concern, and one that was clearly on members' minds when Congress created a public-financing system for presidential candidates in 1974. Instead of tapping general revenues, that system asks Americans to voluntarily check off contributions on their tax forms. It worked well for two decades, but in recent years, the number of people who check the box has declined. As a result, the amount of public funds provided has not kept pace with the increasing cost of campaigning. In 2004, both major party candidates opted out of the system, calculating, correctly, that they could raise more money privately.

But there's no reason why taxpayers should be getting stuck with the tab in the first place. As former Clinton domestic-policy director Paul Weinstein has written (see "You Break It, You Pay For It," *The Washington Monthly*, November 2002), the costs of fixing the system ought to be borne by those who have warped it. A $2,000 annual fee levied on lobbyists, PACs, political consultants, and government contractors, Weinstein observes, would net a public-financing system at least $1.9 billion every election cycle—more than enough to pay for every congressional race. If members of Congress could tell voters that Washington lobbyists—not ordinary Americans—were paying for public financing, much of their reticence would vanish.

Finally, many Democratic incumbents have always been wary of public financing because it would likely advantage challengers over incumbents. "There's no doubt that's a concern quietly expressed by some of the opponents," says Rep. Chris Van Hollen (D-Md.), another leading public-financing supporter. But if Democrats want to give themselves a chance to remain in power, members must sometimes put partisan interest above self-interest. That's an area where they've been outplayed by Republicans—often pressured by hard-nosed leaders—in recent years. The parties' contrasting approaches to redistricting are the best example: When Republicans have controlled the process in recent years, they've tended to draw the boundaries in a way that makes their own incumbents slightly less safe, but maximizes the party's overall chances of gaining seats. Democrats have generally done the reverse: making their own incumbents more secure at the cost of picking up new seats.

There are some traits that were central to the Republicans' political supremacy over the last decade—the corruption, the majoritarianism, the viciousness—that Democrats should not to try to replicate, either for their own good, or for the country's. But there are others that they should. If Democrats want to ensure that their takeover of Congress represents a genuinely new political era rather than a temporary hiatus from GOP dominance, they need to match Republicans' ability to strategically pick issues and tactics that help reconfigure the underlying political tectonics in their favor. Karl Rove made tort reform one of George Bush's top priorities in both Austin and Washington not only because the issue helped secure financial support from the medical and insurance industries, but also because it hurt trial lawyers, a major Democratic funding source. A system of public financing could shift the political ground in Democrats' favor in an even more profound way. By November 2008, we may be largely out of Iraq, and Jack Abramoff may be no more than the answer to a trivia question. Without those two factors, Democrats, under the current system, will once again be at risk of finding themselves out-muscled by the Republican money machine. They have a chance to make sure that never happens again. Not taking that chance would be the ultimate blown opportunity. ♦

Additional reporting by Jesse Singal.

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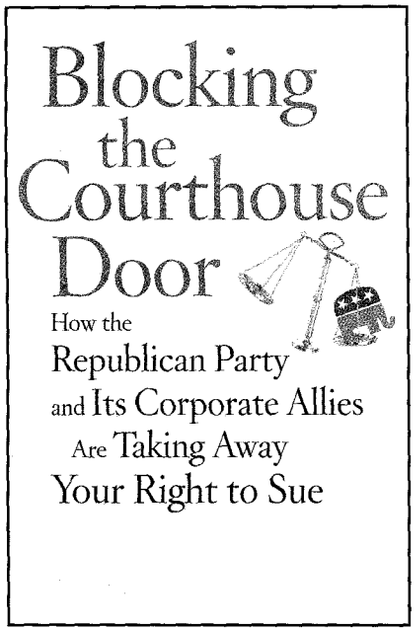
Malicious Intent

How the GOP's war on the tort system has caused pain and suffering to victims and Democrats.



Blocking the Courthouse Door
By Stephanie Mencimer
$26, Free Press

By Kevin Drum

The personal is political. So let's take a personal tour of the American legal system as it's currently practiced in the great state of Texas, shall we?

Victim #1 on our tour is Jordan Fogal, a middle-aged Republican homemaker who bought a home in Houston four years ago. On the day the Fogals moved in, Jordan's husband pulled the bathtub plug after he had finished taking a bath and, as Jordan later recalled to Randall Patterson of *Mother Jones*, "all 100 gallons of that water came down through the dining room ceiling, into the light fixtures, down the columns, onto my dining room table and Oriental rugs. And I just started screaming."

The Fogals' builder fixed the drain, but more problems cropped up. And then more. An inspector found serious roofing problems, widespread moisture and rot, and encroaching mold. Jordan called and called but got nowhere. Their inspector estimated repairs at $199,000. The builder eventually offered $5,000. Later, Jordan discovered that other houses in the same neighborhood had reported similar problems, and that her house had displayed water and mold problems even before they had bought it.

So did the Fogals take their builder to court? No. Like many states, Texas requires dissatisfied homeowners to settle disputes out of court in binding arbitration. But that's not all. The Texas legislature has also abolished "workmanlike construction" standards for homes, done away with punitive damages, and created a builder-controlled commission that determines whether you're even allowed to file for arbitration in the first place. Of the few who get there, even fewer win in arbitration, and there is no appeal. Jordan Fogal was stuck.

Victim #2 is Alvin Berry. Like many Texans, he voted Yes on Proposition 12, a 2003 initiative that limited pain and suffering damages in medical malpractice suits. "I think there are too many frivolous lawsuits," he told *Texas Monthly* reporter Mimi Swartz.

But then Berry suffered some malpractice of his own: a doctor who ignored a set of plainly dangerous lab results for months. When the doctor finally ordered a biopsy, he discovered that Berry had prostate cancer that had spread to his bones in 20 places. He gave Berry five years to live.

Unlike Jordan Fogal, Berry had the right to go to court. In theory, anyway. In practice, as his lawyer explained to him, it's now usually an exercise in futility. Because of the new damage caps, it's not worth it for lawyers to take anything but the most slam-dunk cases. What's more, even if you can find a lawyer to represent you, insurance companies have very little incentive to settle since their losses are limited by law. Thus, between

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court costs, attorneys' fees, and other expenses, Berry would be lucky to recover $75,000. Maybe not even that much. Given that reality, was he really willing to sign up for two years of litigation? Most people aren't.

Victim #3 is Juan Martinez, who was killed in 1999 when a reactor exploded at a Phillips Chemical Plant in Pasadena, Texas. Dozens of workers had been killed at the plant in the previous decades, along with hundreds injured, and when his widow's case went to trial a year later, the evidence of negligence on the part of Phillips was clear and compelling.

Jurors in the case were appalled and socked Phillips with punitive damages equal to a month's profit for the company—a pointed warning to clean up its operations. But Phillips never paid anywhere near that amount. Thanks to a tort-reform law championed by George W. Bush in 1995, state law reduced the punitive damages by 97 percent. With no prospect of ever losing a significant amount of money for worker injuries or deaths in Texas, a simple cost-benefit analysis suggests that Phillips has little incentive to change a thing. It's cheaper to let people die than to upgrade their plant.

"Defunding the trial lawyers"

That last example comes from Stephanie Mencimer, author of "False Alarm," an award-winning 2004 article for *The Washington Monthly* about the myth of America's lawsuit crisis. Mencimer has now expanded that article into a book, *Blocking the Courthouse Door*, that documents the relentless campaign waged over the past two decades by conservative activists and their corporate allies to limit access to the civil court system. It joins Tom Baker's excellent *The Medical Malpractice Myth*, published last year, on the (still) very short shelf of books finally fighting back against the tort-reform industry.

And an industry it is. Insurance companies have been dutifully warning the public since the 1950s that "you pay for liability and damage suit verdicts whether you are insured or not." But for its first three decades, their lawyer-bashing campaigns were both sporadic and desultory, a subject of interest only to a few conservative wonks camped out in little-known D.C.-based think tanks. That all changed in the late 1980s and early 1990s when a succession of Republican partisans, including Dan Quayle, Karl Rove, Newt Gingrich, and Grover Norquist, finally realized just how powerful an issue tort reform could be.

Up until then, lawyer bashing had been mostly a *pro forma* applause line for Republican politicians: a reliable way to loosen the checkbooks of large corporations and generate cheers from local Chamber of Commerce audiences. But in the 1980s and 1990s, conservative activists began pursuing a series of strategies aimed not just at increasing Republican votes and campaign contributions, but also at reducing Democratic votes and campaign contributions—and doing so in a structural way that would permanently erode the Democratic Party's ability to win elections. The result was an increased interest in gerrymandering, union busting, voter ID laws, and the K Street Project, a party-wide program aimed at persuading lobbying firms to stop hiring Democrats.

And, of course, tort reform. Tort reform was already a natural Republican Party issue thanks to its support in the business community, but it was Norquist, in his usual bald style, who pointed out in 1994 that there was more to it than just that: The big losers in tort reform are trial lawyers, and trial lawyers contribute a huge amount of money to the Democratic Party. "The political implications of defunding the trial lawyers would be staggering," he wrote.

This observation explains a good deal about the conservative tort-reform crusade that's otherwise inexplicable. Take damage caps. Republican politicians, George Bush chief among them, know that railing against frivolous lawsuits is a guaranteed crowd pleaser, and they frequently hold up caps on punitive damages as a way of reining them in. But this makes no sense. Almost by definition, frivolous suits are the ones that are either dismissed by judges or else settled for small amounts by insurance companies that decide they aren't worth the hassle. These cases aren't affected by damage caps at all. In fact, the only cases affected by damage caps are the ones that have been fully litigated and in which a jury has already found serious and substantial harm. In other words, they affect the least frivolous cases in the entire civil court system.

So why the focus on damage caps? Take a look through a political lens and the answer becomes clearer. The lawyers who pursue small lawsuits, frivolous or otherwise, run modest street-front businesses and make modest incomes. They aren't the source of serious political campaign cash. That comes from big-time attorneys, the kind who litigate major cases worth millions of dollars. And in those cases, it's often punitive damages and pain-and-suffering damages that make up the bulk of the recovery. These aren't frivolous cases—far from it—but they're the cases that generate millions of dollars in fees and millions of dollars in contributions to Democratic politicians. Since trial lawyers mostly work on contingency, capping damages caps their fees, and capping their fees is what Norquist meant by "defunding the trial lawyers."

Blocking the Courthouse Door shines a bright and welcome light on this cynical strategy, in which populist rhetoric masks back-door political machinations that cause the greatest harm to the victims who have suffered the greatest injuries. But Mencimer goes well beyond this, taking on some of the most enduring myths of the tort-reform movement. Have Americans become more litigious in recent years? Not really. Are payouts getting bigger? Not on average—and judges reduce the excessive ones anyway (though newspapers

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rarely report this). Are doctors being driven out of business by medical malpractice suits? No. Do poor juries in "judicial hellholes" award outsized verdicts as a way of getting back at society? The evidence suggests otherwise, though that doesn't stop the tort reformers from inventing new hellholes for credulous headline writers every time a jury returns a big verdict against a large corporation—regardless of whether the verdict was deserved or not.

And this, of course, gets to the heart of the tort-reform issue: Are corporations victims of the tort system, or do they richly deserve the big punitive judgments that occasionally come down the pike? Consider one of the cases Mencimer highlights, in which Bank of America illegally raided the accounts of elderly and disabled customers and continued to do so even though they knew perfectly well they were acting illegally. They figured they could get away with it because each individual amount was so small that no lawyer would find it worth their time to litigate it.

In Europe, which relies more heavily on regulation than the United States, it's likely that a case like this never would have occurred. And if it had, the bank would have paid a fine, not a court judgment. But the United States, historically more suspicious of central regulation than most European countries, has generally chosen a different course, relying heavily on the civil court system to punish corporations for bad behavior. Seen in that light, did Bank of America really deserve the hundred-million dollar punitive judgment it was eventually ordered to pay in a class-action trial? Probably so. After all, if the courts hadn't punished Bank of America for taking egregious advantage of elderly customers, who would have? And if no one had done it, what would keep them from doing it again?

The same kind of tradeoff between regulation and tort occurs in employment law, a frequent *bête noir* of small business owners, who sometimes feel like they're at war with their own employees over charges of racism, sexism, harassment, or running a "hostile workplace." But as labor lawyer Thomas Geoghegan has pointed out, much of this is due to the decline of unions and union arbitration, which was fundamentally less adversarial than the court cases that are now the only avenue many workers have for working out grievances. Even the Manhattan Institute's Walter Olsen, a scourge of tort abuse, recognized this tradeoff in his 1997 book *The Excuse Factory*, and suggested that the business community may be paying an unexpected price for its decades-long war against unions.

Have Americans become more litigious in recent years? Not really. Are payouts getting bigger? Not on average. Are doctors being driven out of business by medical malpractice suits? No.

But even though this tradeoff is inherent in the system, it's nonetheless in everyone's interest to make the tort system as fair and efficient as possible. The Republican Party gave away its lack of genuine concern with fairness and efficiency last year when it passed legislation to force most class-action suits into federal court—a move that makes a certain amount of sense since most class actions target large corporations and include plaintiffs from all over the country—but then deliberately declined to increase the resources of the federal civil system to deal with the increase in suits. Plainly, the goal was less an increase in efficiency than it was an effort to keep consumer class-action suits from being heard at all.

Unfortunately, *Blocking the Courthouse Door* doesn't really address this efficiency issue either. Most countries, for example, have adopted a "loser pays" system that forces the loser in a civil case to pay the legal fees of the winner. Even many liberals support this as a common sense reform, but Mencimer dismisses it without much explanation and then goes on to dismiss even legitimate concern over frivolous lawsuits as merely "the price Americans pay for having a democratic legal system." Her book would have been improved by a more serious acknowledgment of the drawbacks of the American tort system and at least a cursory review of reform proposals that genuinely make sense.

But that would have been a different book, and the book Mencimer wrote instead is one that's been a long time coming. The shibboleths of the tort-reform industry have become so ingrained in American culture—"jackpot justice," "judicial hellholes," "greedy trial lawyers"—that most people accept them without much thought, unaware that they're mostly myths invented by a very deliberate and very well-funded political campaign. *Blocking the Courthouse Door* is a welcome corrective.

Kevin Drum, contributing writer for **The Washington Monthly,** edits **Political Animal** at washingtonmonthly.com.

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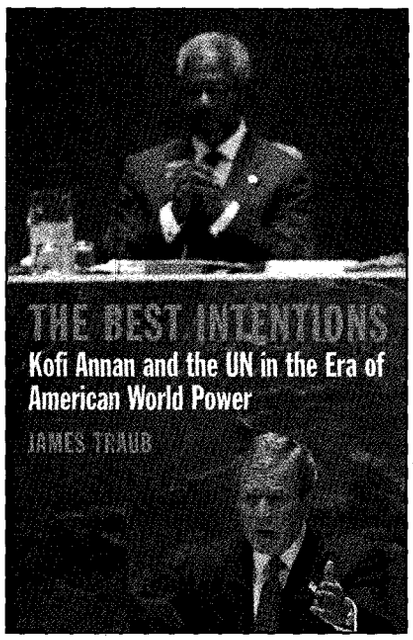
Weight of the World

The legacy of Kofi Annan.



The Best Intentions
By James Traub
$26, Farrar, Straus and Giroux

By William J. Dobson

No one was ever appointed secretary-general of the United Nations to do great things. From the beginning, the most attractive candidates to serve atop this lofty international institution have been lowest common denominator choices, men whose greatest selling points included the fact that they weren't likely to threaten member countries with the prospect of true leadership. Few have disappointed. Trygve Lie, the institution's first secretary general—or "SG," as they are called—was described as "out of his depth" and "jealous of his position and at the same time nervous of it." Kurt Waldheim, a later two-term appointee who was eventually disgraced because of his Nazi past, was said to have been as solicitous as a headwaiter walking around a restaurant. His successor, the Peruvian diplomat and U.N.-lifer Javier Perez de Cuellar, came into the job with the ringing endorsement of having been "everyone's last choice."

Of the seven men to have held the U.N.'s top post, Dag Hammarskjöld is the exception. Few suspected the vision, intellect, and ambition that this little-known Swedish diplomat would show once in office. Now that Kofi Annan has joined the small fraternity of former U.N. secretary-generals, the United Nations' chattering classes are offering their early appraisals of his legacy. Although his second term was tarred by scandal, Annan can probably lay claim to having been the second most effective secretary-general in United Nations' history. If Annan had served just one term, he might have been remembered as Hammarskjöld's second coming. But he didn't, and the last five years have been among the most grueling in the institution's six decades. Some blame must be apportioned to Kofi Annan and his leadership. But most of it is a product of the unique moment in which he helmed the United Nations. Other unremarkable men would have surely fared much worse.

End of an era

The end of the Cold War should have ushered in the United Nations' Golden Age. For decades, the diplomatic efforts of the men and women of Turtle Bay had been stymied by the global face-off between the United States and the Soviet Union. By wielding the veto power that came with their privileged position on the U.N. Security Council, Washington and Moscow sidelined the United Nations from many of the major battles and crises of the Cold War. Neither side was willing to countenance a secretary-general interfering in a matter of national interest. Little could be accomplished unless it fell within that narrow range of issues upon which Washington and Moscow either agreed or harbored no interest.

The conclusion of this chapter of international relations offered the

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United Nations an opportunity to free itself from these constraints. Suddenly a host of problems—smoldering conflicts in need of peacekeepers, massive poverty and illiteracy, untrammeled population growth, environmental degradation—could be addressed without having to thread the needle between the two superpowers. The world body's expertise could be quickly mobilized to help the millions who had been forced to wait so long.

But the end of the Cold War didn't simply spell the demise of the Soviet Union. It also catapulted the United States into a position of far-reaching dominance. And although the U.S. might welcome U.N. peacekeepers and program officers practicing good works in neglected corners of the globe, there was little reason to assume that the U.S. would be less dogged than any other country in its pursuit of the national interest. But unlike any other country, the U.S. was now a single, unparalleled (and quite demanding) superpower. At root, the United Nations is a membership organization; it was just a matter of time before it would find itself at odds with its most powerful member.

James Traub's *The Best Intentions: Kofi Annan and the UN in the Era of American World Power* chronicles the U.N.'s passage from the apparent watershed of the early post-Cold War years to its showdown and uncomfortable peace with the administration of President George W. Bush. The central protagonist in this prolonged drama is the former secretary-general, Kofi Annan. Traub, a contributing writer for *The New York Times Magazine*, knows his subject well, having begun to report and write on Annan's tenure as the world's top diplomat in 1998. With the cooperation of the secretary-general and his staff, Traub attended meetings and traveled and spoke with the secretary-general regularly for more than a year. Although he claims not to have set out with this purpose in mind, his book is, in a sense, a biography of Annan and the organization he leads. It may seem strange to offer up a biography of a man and an institution. But one senses that it could not have been any other way, as it is sometimes impossible to tell the two apart.

The insider

To say that Annan was an "insider" doesn't do him justice: He spent all but a handful of years laboring in the rabbit warren of the U.N.'s vast bureaucracy. He spent most of his first 16 years in the human resources and budget department, about as far from the high ideals of the organization's mission as a person could get. Nevertheless, his skills as an "amiable technocrat" and "headquarters man" led to his promotion within the U.N.'s back office, until he eventually became the assistant secretary-general for human resources and then the head of budget and planning.

Annan's career found new life just as the United Nations itself was waking from its decades-long slumber at the end of the Cold War. Annan first distinguished himself in 1990 by negotiating the release of 900 staff members who were being held by Saddam Hussein in Iraq and Kuwait in the lead-up to the first Gulf War. Fresh from this feat, Annan was appointed deputy chief of the Department of Peacekeeping Operations in 1992, an enormously important assignment given the rapid growth of the U.N.'s peacekeeping mission in the early years after the Cold War. Within five years of this appointment, Annan would serve as the head of the U.N.'s peacekeeping operations and would then become the successful American-backed candidate to replace Secretary-General Boutros Boutros-Ghali, the rather undiplomatic secretary-general who lost his job once he lost Washington's confidence.

In Traub's telling, it is clear that he is fond of his subject—both the man, and the institution he has come to represent. (Indeed, at the book's outset, Traub asks, "So why the UN, and why its incarnational figure?"—and answers "Well, first of all, I just like the place.") But Traub doesn't shy from asking Annan the tough questions. Some day historians may conclude that the worst stains on Annan's U.N. career were not the charges surrounding the Oil-for-Food scandal or his mismanagement of his second term, but rather his responsibility as the head of peacekeeping for the U.N.'s faint efforts to stop the genocides in Bosnia and Rwanda. When Traub asks him about his personal culpability for both episodes, Annan responds with surprisingly unreflective and rather remorseless answers. In response to Traub's questions regarding the Rwandan genocide, Annan coolly replies, "In retrospect, and this is also the culture of the house, we should have used the media more aggressively, and exposed the situation for them to see. Of course, at that time this organization was media-shy."

More than 800,000 Rwandans were slaughtered in 100 days, and this is what he can muster? The United Nations should have employed a more sophisticated media campaign? It is as if Annan is incapable of accessing the sense of responsibility that most objective observers believe must fall squarely on the U.N.'s shoulders. With or without a Nobel Peace Prize, he exhibits a bureaucrat's remorse: Decisions were made, and mistakes happened. It is fair to ask whether anyone with such a passive and detached reflection of such tragic episodes should ever be charged with preventing similar devastation from happening again. His reaction suggests the danger of an organization such as the United Nations promoting people from within to its highest ranks. Ironically, it is fair to assume that if he were anything but a U.N. careerist he would have a stronger sense of moral outrage.

For the United Nations today, there is no greater challenge than the challenge posed by American unilateralism in a world where the U.S. is so wholly dominant. The showdown between the world body and its most powerful mem-

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ber came to a head, of course, in the lead-up to the war in Iraq. The Bush administration's National Security Strategy, published a week after the attacks of 9/11, declared the United States' right to what amounted to unilateral preemption. International law had long recognized a state's right to defend itself from an imminent attack, but a preventive attack against a mounting threat could only be legitimate if sanctioned by the U.N. Security Council. In seeking the U.N.'s acquiescence to its war plans for Iraq, President Bush could not have been more pointed than when he asked the General Assembly, "Will the United Nations serve the purpose of its founding, or will it become irrelevant?"

> Diplomats in the U.N.'s corridors began to speak of "dual containment"—that is, containment of Iraq and the U.S.

Here it was. The leader of the U.N.'s strongest member leveling a direct challenge: Get on board or risk irrelevance. As Traub reports, during this time high U.N. officials probably feared the U.S. more than Saddam Hussein. And why not? The White House could do far more to affect the institution's future than any edict that ever emanated from Saddam's palaces. Diplomats in the U.N.'s corridors began to speak of "dual containment"—that is, containment of Iraq and the U.S. Of course, the U.S., which has long prized its sovereignty above much else, had been at odds with the United Nations in the past. Annan's predecessors had been trying to threaten, shame, or cajole Washington to pay its United Nations dues for many years. But here was something different: An unbridled America was striking out in a way that could shake the United Nations to its core. Nader Mousavizadeh, one of Annan's speechwriters, summed up the dilemma, telling Traub, "The members are facing a very difficult choice—either they go with the United States on this, and are seen to be selling out on principles of international order and international law, or they block this, provoking the U.S. to go away from the council, and maybe not return."

The risk was certainly there, and at first, at least, the U.S. did go its own way. But in the hours after Bush's address to the U.N. General Assembly in which he threw down the gauntlet, Annan had cautioned the president, saying, "Don't bash the U.N., Mr. President; you'll find you need us later." Those were prophetic words. Two years later, the Bush administration did return to the Security Council to get the stamp of legitimacy offered in Resolution 1546, which endorsed the transfer of sovereignty from the Coalition Provisional Authority to Iraq's interim government. And although the episode may have weakened the U.N., the U.S. finds itself regularly returning to New York to deal with problems coming out of Tehran, Pyongyang, and elsewhere.

With the election of Kofi Annan's successor, former South Korean minister of foreign affairs and trade Ban Ki-moon, on January 1, Washington may be even more inclined to press its case at the U.N. Because of the support the White House threw behind his bid for the top job, Ban is expected to be Washington's man. Sure, he could surprise his colleagues and the chief backers of his candidacy (namely, Washington and Beijing) by bringing real leadership to the post. But, again, it was in part because that is considered so unlikely that he was given the job in the first place.

It is hard to imagine that Annan wasn't happy to vacate his office on the 38th floor. The remainder of his second term offered little more than bitterness: the Oil-for-Food scandal and his son's betrayal that personally landed him in the mess; a U.N. sex scandal in the Congo; intermittent calls for his resignation; the loss of friendship from the circle of long-time loyalists he slowly shed; and, of course, his inability to prod the international community to take action in Darfur. If the last several years had not been bruising enough, Washington repaid him with the appointment of John Bolton as U.N. ambassador, a man who had expressed open contempt for the organization and ironically dimmed any prospect that Annan had of reforming the U.N.'s operations in his last years in office. (It was probably small comfort to Annan that he outlasted Bolton.) All of this clearly wore on a pained, weary, and somewhat absent secretary-general. As Traub describes, friends and supporters were reduced to holding "interventions" in an attempt to help Annan break his funk and show the renewed leadership to steer the body forward. Although these gave him the courage to make some painful personnel decisions in his inner circle, the secretary-general was never the same.

And neither, it may be said, is the U.N. The 60-year experiment is, for many, the expression of an ideal, a belief in the power and possibility of collective action. But the ideal always had its limits, and at no time has it been more than a reflection of the international system itself. As Traub smartly observes, "one superpower towers above the rest; a myriad of non-state actors and global forces undermine a state-based system fashioned in the seventeenth century. ... A world so fragmented cannot be knit together by a single institution." The United Nations will face threats to its future greater than it did in the approach to the war in Iraq. Without knowing the nature of these threats or the course the U.S. charts, it is too early to say how the United Nations will weather the storm next time.

William J. Dobson is Managing Editor of **Foreign Policy**.

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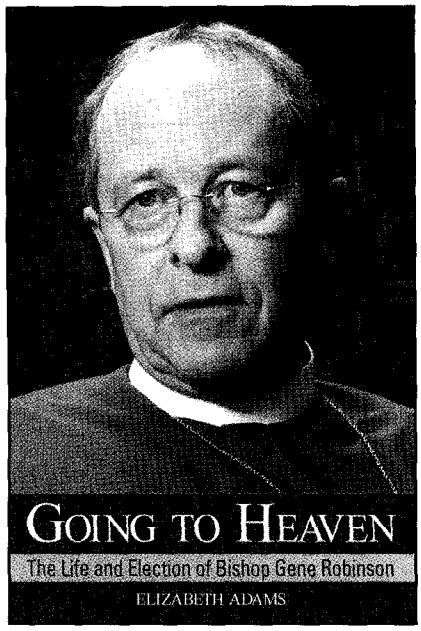
Cross Purposes

Gay bishops, Henry VIII, and the split in the Episcopal Church.



Going to Heaven
By Elizabeth Adams
$14.95, Soft Skull Press

By Ed Kilgore

To people outside the Episcopal Church of the United States of America (ECUSA), the recent saga of internal and external recriminations over the ordination of Gene Robinson, an openly and non-celibate gay priest, as bishop of New Hampshire, is usually understood in the familiar secular language of liberalism and conservatism, of progress and tradition, and of moralism and relativism, with observers taking sides on the basis of their own political or cultural views. Non-Episcopalian U.S. conservatives, in particular, have made great hay over the international reaction among the broader Anglican Communion to the lopsided approval of Robinson's ordination by Episcopal bishops, treating it as another example of the self-destruction of mainstream Protestants in the thrall of secular liberalism or radicalism. They derive special delight from the "irony" that Third World Anglican leaders, presumably the favorites of liberals on political matters, have led the charge against the alleged apostasy of American "moral relativists."

Within the ECUSA (of which I am a member), it all looks very different. Robinson's ordination has to be understood in terms of the long-standing tolerance of diversity among varying regional and local churches, reinforced by American Anglicans' practice of electing bishops from the ground up. And in a broader sense, many Episcopalians view the whole conflict as another incident in Anglicanism's complex history as a *via media* (or middle way) between the Catholic Church and evangelical Protestant denominations. This history dates all the way back to the Anglican Church's founding under Henry VIII and his Tudor heirs. It has involved a centuries-old tension within Anglicanism between those who have wished to keep the church's rites and theology closer to Rome—the Anglo-Catholics—and those who have wanted the church to pattern itself upon evangelical Protestant churches.

It's no secret that most if not all self-conscious Anglo-Catholics seem relatively tolerant about gay or lesbian priests or bishops, in line with their emphasis on liturgy and their non-literalist approach to Scripture. By the same token, it's no accident that the hostility to Bishop Robinson, and to any formal tolerance of active homosexuality, is strongest among self-conscious evangelicals who increasingly insist on a literalist interpretation of scriptural condemnations of homosexuality.

The big question in the current Anglican crisis is whether the battle over Robinson, for all its emphasis on issues of sexuality that past generations could barely have imagined, is just another reflection of that age-old battle, or whether the ECUSA has rejected all

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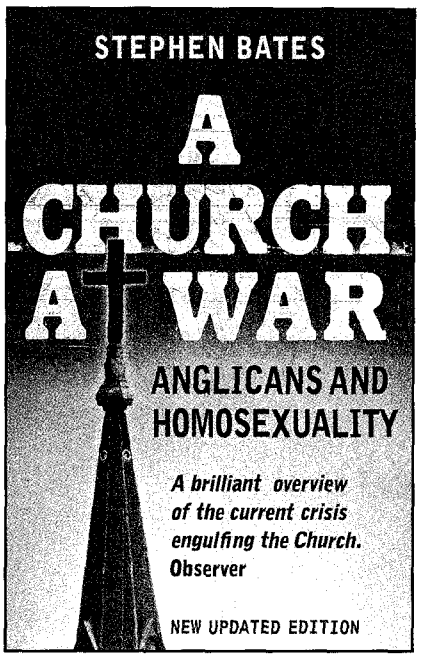
Anglican orthodoxy in the pursuit of a sincere but secularist devotion to sexual equality.

Elizabeth Adams' new book *Going to Heaven: The Life and Times of Bishop Gene Robinson*, for all its virtues, does not cast much light on that question. As a close friend and an advocate for Robinson, she certainly helps paint a portrait of the bishop of New Hampshire that is hard to square with the conservative stereotype of him as some sort of libertine or secularist. Robinson comes across as precisely the sort of believer who ought to become a priest or bishop: conscientious, selfless, deeply empathetic, theologically orthodox (in terms of the basics of the faith), and capable of reaching out to even the bitterest enemies. (Indeed, her description of the dissolution of his marriage and his relationship with his ex-wife and particularly his two daughters ought to shame many of his heterosexual detractors.) But she probably does him little good by framing his case as simply part of a broader drive within the church for equality and social justice. Perhaps it's because Adams has written her book for a lay or non-Anglican audience, but she does not really attempt to connect the current crisis with much of anything in the church's past, other than (misleadingly) the 1970s fight over ordination of women and prayerbook revision, which split Anglo-Catholics and Anglo-evangelicals into "conservative" and "liberal" camps.

You can find a very different, if equally pro-Robinson, take in *A Church At War*. Stephen Bates, religion reporter for *The Guardian* newspaper, views the reaction to Robinson's ordination as the byproduct of an evangelical uprising in the Anglican Communion. Based in the United Kingdom, evangelicals have spread their doctrine through the African and Asian churches via a very conscious missionary effort. According to Bates, the Anglo-Catholics, who fought ordination of women and prayerbook revision in the last big fight within the Anglican Communion in the 1970s



A Church At War
By Stephen Bates
$14.95, Hodder & Stoughten

and 1980s, are split or neutral about same-sex issues. The evangelicals, who largely accepted ordination of women and often support mega-church-style liturgical innovations far beyond the 1970s revisions, are in the vanguard of the international fight to place the ECUSA under interdict, based on a literalist interpretation of scriptural language about homosexuality. He also suggests that the very different paths of U.S. and non-U.S. Anglicans have a lot to do with the fact that American evangelicals have numerous denominational "homes" for their views; they feel no particular need to take over the Episcopal Church, and haven't.

Both Adams and (particularly) Bates write about the agony of those in the Anglican Communion, and especially its largely symbolic British leadership, who want to avoid a definitive rupture over sexual issues.

To make a very long story short, Archbishop of Canterbury Rowan Williams, best described in the current rough lexicon as a liberal Anglo-Catholic, is seeking to convince the ECUSA (and its Canadian counterpart, where formal blessings of same-sex unions have been sanctioned) to hold the line on further "provocative" acts, pending a broader compromise within the Communion. Just as importantly, the latest General Convention of the ECUSA named a pro-Robinson female bishop as its presiding bishop, providing conservative Anglo-Catholics opposed to ordination of women with a fresh motive for making a tactical common cause with conservative evangelicals.

The immediate flashpoint in the whole battle is the demand of some American Episcopal parishes with "orthodox" believers—mostly evangelical, but including some Anglo-Catholics—to pull their churches out of ECUSA and place them under the oversight of more conservative African and Asian bishops. This may be legally problematic: When "traditionalist" parishes have tried in the past to leave ECUSA with their money, buildings, and other assets, courts have said no. But the really big-picture question is this: Who is dividing Anglicanism? Who are the schismatics? Is it the Episcopal churches that have ordained homosexuals but wish to stay within the Anglican Communion? Or is it the several African bishops who have openly threatened departure from the Communion if their demands for expulsion of the U.S. and Canadian churches are not immediately accepted?

The whole history of the Church of England and its progeny is full of semi-miraculous interventions that overcame apparently impossible theological conflicts. Much of what we think of as Anglicanism was produced by Elizabeth I's decisive if arbitrary edict against further religious innovation, which froze the English Reformation more or less where it was when her brother Edward VI died (with the crucial exception that she insisted on priestly language during communion that validated the Real

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Presence of Christ in the Eucharist, a key Catholic concession).

And even in the penultimate crisis over ordination of women and prayerbook revision, the spirit of compromise largely prevailed. To this day, a majority of Anglican national churches do not ordain women, and even among those that do, dissident dioceses and individual churches are tolerated. (Less than a decade ago a Washington, D.C., church I once attended went through a formal purification process after a female bishop celebrated Mass there.) And in the ECUSA, at least, hostility to prayerbook revision led to a resolution offering all churches traditionalist "Rite I" and modern "Rite II" language for the Eucharist. It's a token of the tangled psychology of Anglicanism that Rite II, which most Evangelicals welcomed and most Anglo-Catholics resisted, is by any objective measure more "catholic" than Rite I.

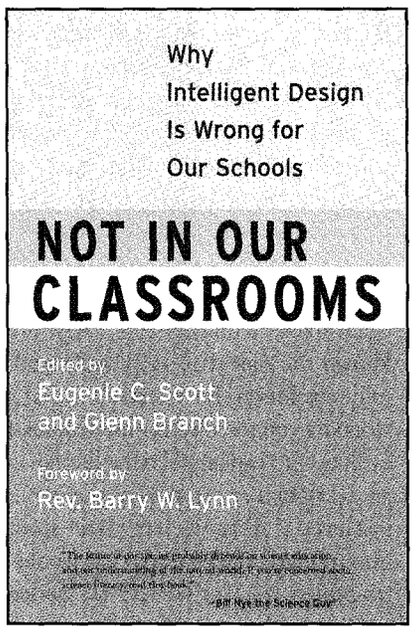
Given this history of conflict and compromise, it will be truly sad if the Anglican Communion finally falls apart over the ordination of Gene Robinson and his likely successors. I know that I personally support Robinson's ordination as a reflection of my own belief that faithful same-sex relationships are a reflection of God's unlimited love. But I also value the Anglican tradition as an essential vehicle for the reconciliation of Catholic and Evangelical impulses in Christianity. I suspect a broad majority of Episcopalian lay people, regardless of how they feel about Robinson, feel more aggrieved by the international and domestic attacks on ECUSA autonomy than by the autonomous decisions of the diocese of New Hampshire.

As these two books illustrate, it's not at all clear which side in the current conflict truly represents the *via media*. God only knows. And it would be helpful if He manifested His Will with another miracle of intervention.

Ed Kilgore edits New Donkey at http://newdonkey.blogspot.com.

The Origin of Specious

The evolution of creationism.



Not In Our Classrooms
Edited by Eugenie C. Scott and Glenn Branch
$14.00, Beacon Press

By Jesse Singal

For an illustration of how the theory of evolution by natural selection works, one could do worse than to examine the evolution of the theory's opponents. After all, anti-evolutionists have been around since the publication of *The Origin of Species*, and the original generation of creationists spawned innumerable progeny that have adapted to a variety of environments. The United States has proved to be an especially welcoming habitat, one where creationists have mutated and flourished. Even when they have experienced setbacks, such as adverse Supreme Court rulings, creationists have survived with their beliefs intact, exerting a strong pressure on public education in the United States. A new book titled *Not in Our Classrooms*, a collection of essays by science educators, biologists, and lawyers, offers a useful overview of the ever-evolving movement to boot Darwin from the classroom.

The succession of terms employed by creationists to characterize their brand of so-called science can be difficult to follow. Over the years, it has included "creation science," "special creationism," and, most recently, "intelligent design" (ID). ID, which has been around in one form or another since the early 1980s, argues that life

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is too complex to have evolved without the guidance of a conscious agent. Though the movement's philosophy is vague and its proponents have published no solid research in serious peer-reviewed scientific journals, ID has nonetheless seized the imagination of the latest generation of would-be creationists. As recently as September 2006, Michigan gubernatorial candidate Dick DeVos, a Republican, expressed his interest in "ideas of intelligent design that many scientists are now suggesting is a very viable alternative theory." And in Ohio, the November election for the state board of education—not usually a political barnburner—recently received attention from publications as far away as *The New York Times*. Five of the board's 19 seats were up for grabs, and the defining issue dividing the candidates was whether intelligent-design theory should be introduced into the curriculum. (The creationists wound up losing that round.)

> In the 2006 midterms, for instance, voters threw out high-profile pro-ID school board members in Kansas and Ohio.

While ID continues to make its way through courts and local elections, anti-evolutionists, fearing setbacks, are transitioning to yet another offshoot of creationism: "critical analysis." The term may sound vague or harmless. In fact, as far as creationists are concerned, that's the idea. But it emphasizes the idea that evolution is a "theory," not a "fact," and should be scrutinized as such. This, of course, is technically true. However, it intentionally blurs the difference between the word "theory" as used in two different contexts: one quotidian, the other scientific. In daily life, a theory can refer to anything from a decent guess to a silly fantasy. In science, on the other hand, a "theory" can refer to an explanation supported by such an overwhelming body of evidence and experimental findings that virtually no professional scientist doubts its validity. Just as physicists assume the correctness of Einstein's Theory of Relativity—and, in fact, send men and objects into outer space trusting in its reliability—so, too, the vast majority of biologists sees evolution as established science.

With "critical analysis," creationists evidently hope to sow enough doubts in people's minds to convince them that the theory of evolution should be treated with more skepticism than it currently is. Once that has been achieved, then, presumably, material once off-limits could again make it through the gates: little-known theories that supposedly undermine evolution, for instance, or natural wonders supposedly too miraculous for evolution to explain (like the human eye, an ever-popular creationist example), or instances of disagreement about specific evolutionary mechanisms that would be magnified and presented as evidence against the theory itself. Taken together, the thinking goes, all of these anti-evolutionary sentiments might suggest some avenue other than materialistic science by which to understand life's origins.

As *Not in Our Classrooms* points out, creationism might have endless variants, but these variants have certain traits in common. All creationist theories cull the choices on the possible origins of life down to two, without explaining why. The book labels this "contrived dualism"—the implicit suggestion that evolution and creationism (or, depending on the year and recent court decisions, special creationism or ID) are the only two possible explanations of life's origins and history. But as anyone who's studied evolution knows, creationism and ID offer no more explanatory power than any other non-scientific theories of life's origins. Maybe God snapped his fingers; maybe eggs landed from the moon; maybe Sean Hannity sneezed, forming the primordial ooze that gave rise to our species. The possibilities, once one ventures down that road, are infinite.

The good news is that courts have regularly handed the anti-evolutionists embarrassing defeats. These are ably chronicled by one of the contributors to the collection, Jay D. Wexler, a faculty member at Boston University's School of Law. Wexler canvasses the acrimonious history of creationism and the courts, summarizing two important cases in which the Supreme Court struck down state attempts to change how evolution is taught: *Epperson v. Arkansas* and *Edwards v. Aguillard*. *Epperson*, decided in 1968, ruled that state prohibitions on teaching evolution were unconstitutional. In *Edwards*, decided in 1987, the court struck down a law in Louisiana requiring the teaching of so-called creation science whenever presenting evolution. In both cases, the states were found to be in violation of the Establishment Clause, since no plausible secular motive could be attributed to the laws in question. Last year, a Pennsylvania judge drew a similar conclusion when presented with ID-friendly changes made to the district of Dover's science curriculum. In fact, so strong was the logic of the ruling, written by Judge John E. Jones III, that it was hailed as a lasting impediment to the ID effort. Whether the subtler doctrine of "critical analysis" will experience similar setbacks in the courts, however, is another question.

Creationism and its spawn continue to survive, and proponents occasionally get themselves elected to school boards, for a simple reason: The vast majority of Americans today still harbors doubts about evolution and will say, when asked by pollsters, that they support the idea of teaching intelligent design alongside evolution in the classroom. Yet despite this apparent public sympathy, the

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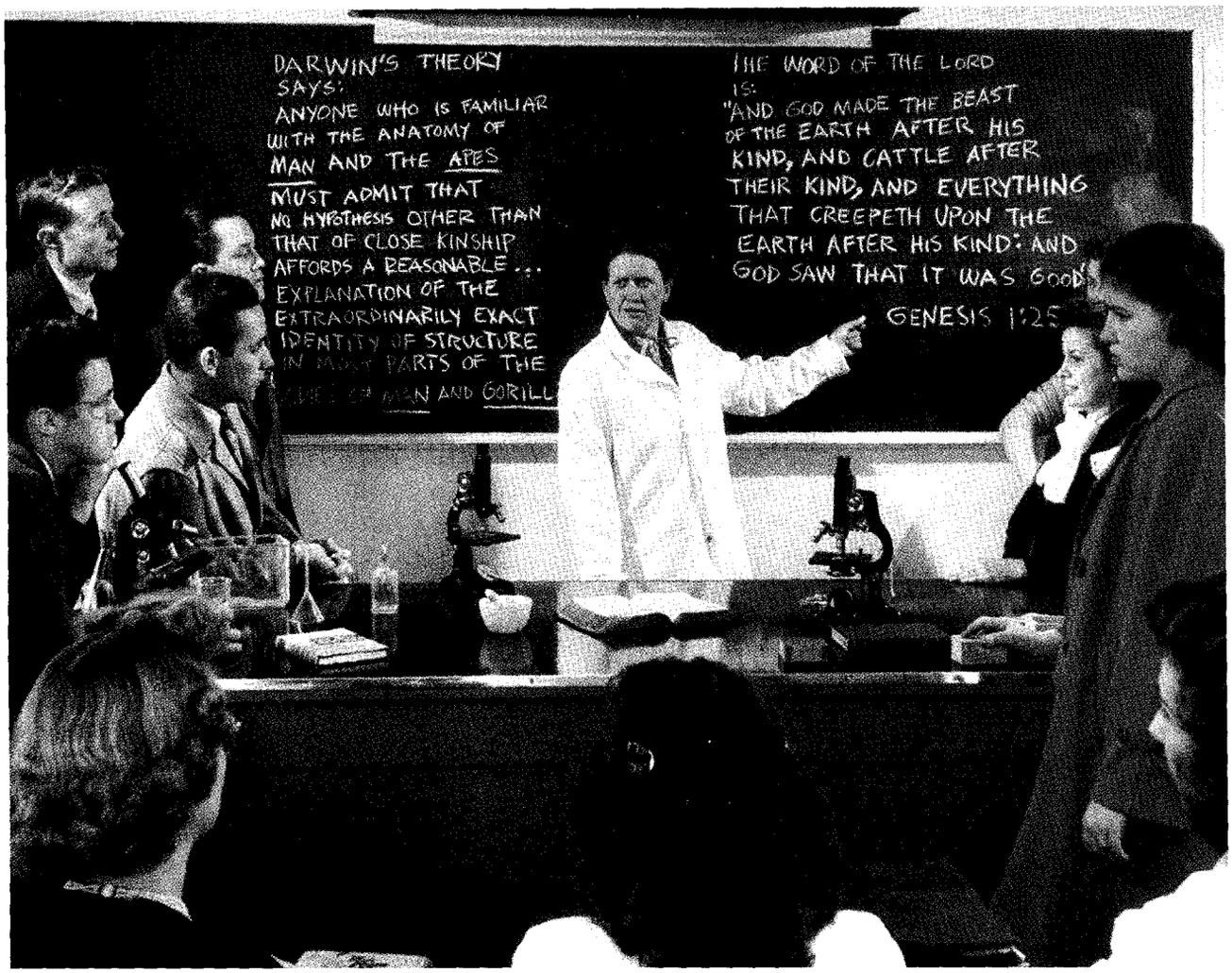

TIME LIFE PICTURES/GETTY IMAGES, PHOTOGRAPHER FRANCIS MILLER

this apparent public sympathy, the movement hasn't been faring well at the polls lately. In the 2006 midterms, for instance, voters threw out high-profile pro-ID school board members in Kansas and Ohio.

Not In Our Classrooms makes its case well, underscoring the fatuousness of creationist science on every level: constitutional, educational, and scientific. The contributing scientists do especially well in defending evolutionary theory and in rebutting creationist arguments. One of the book's few weak points is the chapter "Theology, Religion, and Intelligent Design" by Martinez Hewlett, a professor emeritus of molecular and cellular biology at the University of Arizona, and Ted Peters, a pastor in the Evangelical Lutheran Church in America and professor of theology. Hewlett and Peters, who attempt to grapple with the interplay of religion and science, offer surprisingly sloppy arguments (repeatedly referring to religion that is "healthy," for example, without defining what this might mean in practice).

But on the whole, *Not In Our Classrooms* delivers refreshingly on a number of topics, and it even tackles a fairly practical question: What should concerned parents and teachers do to make sure that science remains properly taught? The key, argues Glenn Branch, deputy director of the anti-creationist National Center for Science Education, is simply vigilance at the local level, particularly with regard to school boards. Anti-evolutionists aren't about to get Congress to pass legislation, nor will they get states to enact constitutional amendments. Rather, their best hope is to keep trying to get their people onto school boards and then use their representatives to muddy the waters with humbug masquerading as "critical analysis." At its core, the evolution "debate" is a local one, and it's at that level that the daily battles happen. Thanks to this collection, winning them might become a little easier.

Jesse Singal is an intern at **The Washington Monthly.**

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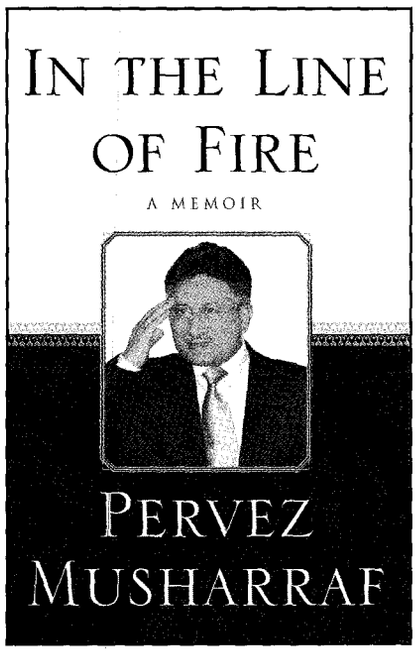
Getting to Know the General

In his memoir, Pakistan's Pervez Musharraf reflects on what a swell guy he is.



In the Line of Fire
By Pervez Musharraf
$28, Free Press

By Nicholas Schmidle

It was a diplomatic kerfuffle of an unusual sort: Pakistani president Gen. Pervez Musharraf had been warmly welcomed to the White House by George Bush this past September as a close and valued ally of the United States. Two days later, Musharraf appeared on CBS's "60 Minutes" and revealed that after September 11 a U.S. official, then-Deputy Secretary of State Richard Armitage, had threatened military action against Pakistan if it did not cut its ties to the Taliban. "Be prepared to be bombed. Be prepared to go back to the Stone Age," said Armitage, according to Musharraf. Nonsense, said Armitage. Musharraf insisted the threat was made, but seemed coyly to suggest that Americans would need to buy his new memoir, *In the Line of Fire*, to learn what really happened. The White House played down the incident, but there is little doubt Musharraf raised the ire of his American hosts. Meanwhile, after appearances by Musharraf on CNN's "Late Edition with Wolf Blitzer" and "The Daily Show With Jon Stewart," the book sold enough copies to reach number three on Amazon's bestseller list

In the Line of Fire (a nod perhaps to the title of a Clint Eastwood film of the same name), presents Musharraf as an Eastwoodesque character—someone who shoots from the hip, talks tough, and is willing to take a bullet for a friend. In a passage describing an assassination attempt on him in 2003, Musharraf's tone is simple and gruff: "All hell broke loose. There was smoke; there was debris; there were body parts and pieces of cars. Vehicles had been blown to smithereens, human beings ripped to pieces." Much of the memoir has the same swaggering tone. Readers who might doubt his mettle are told how Musharraf's childhood, army career, presidency, and vision all contribute to make him, well, the ideal leader of Pakistan. We are informed that, from a young age, Pervez has always been liked by his peers. ("Since I got involved in boyish games and pranks and often did things that other boys wouldn't or couldn't do, I became very popular in my neighborhood.") Those wondering how he became a general need only read about his life with a gang of childhood friends. ("Even at that age I was very good at making strategies and planning tactics to ambush and trap other gangs.")

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GETTY IMAGES, PHOTOGRAPHER AAMIR QURESHI

As to whether he has put Pakistan on the correct course or not, one need only read Part Four, "Rebuilding the Nation," in Musharraf's memoir. Overall, *In the Line of Fire* reads like a 368-page stump speech, aimed at shoring up foreign (i.e., American) support ahead of Pakistan's 2007 general elections.

Of course, what Americans most want from Musharraf is for him to capture Osama bin Laden, who many assume is hiding, along with thousands of other al Qaeda and Taliban forces, in Pakistan's tribal region. In response to U.S. pressure, Musharraf sent 80,000 troops there in 2002 and has since rounded up several high-profile members of al Qaeda. In the process, he has come under significant domestic pressure for policies seen as subservient to America. Still, some in Washington remain skeptical about Musharraf's commitment to catching terrorists. The general, therefore, dedicates more than a quarter of his book to divulging details of al Qaeda manhunts conducted under his watch. These chapters, with their straight narrative and incisive analysis, make for good reading, offering a welcome break from the cocky, self-congratulatory tone Musharraf uses throughout much of the rest of the book.

Musharraf admits that when he took power in 1999 following a bloodless *coup d'etat*, Pakistan "stood at the brink of being declared a failed state, a defaulted state, or even a terrorist state." The question is just how far it has come away from that brink. According to a ranking of 148 nations in a *Foreign Policy* magazine survey this spring, not far; Pakistan fell somewhere between Haiti and Afghanistan, cited for its "vulnerability to violent internal conflict and social dysfunction." I admit, it's hard to imagine, sitting on the terrace of my home in calm, leafy Islamabad, someone putting Pakistan in the same league as Haiti or Afghanistan in anything. The Pakistani government immediately assailed the report's conclusions as absurd, asking how a country with a sophisticated nuclear-weapons program could be compared to war-torn Afghanistan or poverty-stricken Haiti. But the fact is, large parts of Pakistan are embroiled in tribal and religious conflict and off-limits to all but the most brazen journalists. Foreigners wishing to travel in large parts of the country are required to take along a government-appointed armed guard. Pakistan's numerous intelligence agencies are a brooding, malevolent presence in the nation's life. President Musharraf has survived a couple of assassination attempts (the first in December of 2003, when Musharraf's convoy was attacked twice within two weeks. The second one, on Christmas Day, left 14 people dead and dozens injured). Does this constitute a failed state? Maybe not. But it does bespeak a nation whose integrity and unity are challenged on a daily basis.

I have been living in Musharraf's Pakistan for a year and I've witnessed a country simultaneously full of optimism, pessimism, extremism, and moderation. What most Americans think about Pakistan is not always true, just as what Musharraf says about Pakistan is not always true. Take, for example, the

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media. Musharraf writes that "many private television stations have opened since the liberalization of our media." In fact, new TV stations have multiplied, nearly all of them during his tenure. And indeed people are openly critical of the regime. Musharraf, and Western analysts who drop into the country for short periods, tout this as evidence of an open society. But investigations of any corruption in the government are off limits and can end a journalist's career. "You can say anything you want on the editorial pages," one newspaper reporter told me, "but don't try and dig up anything juicy."

The conventional wisdom in Washington—which is probably true—is that the United States could do a lot worse than having Musharraf as the leader of Pakistan. So what would happen if the general were ever really caught in the line of fire? One possibility is that religious parties would kick down the door of parliament and usher in a scary, fundamentalist government. That is certainly a legitimate fear, one that Musharraf's own government shares. Pakistanis are undoubtedly a religious bunch. But, as one prominent journalist recently told me, they aren't ready to accept "morals police" in their cities. "Ninety-nine point nine percent of Pakistanis, from their heart of hearts, are happy to see Taliban creating problems for Americans in Afghanistan and for Musharraf in Waziristan," said Hamid Mir, a renowned TV correspondent and newspaper columnist. "But 100 percent of them won't accept the Taliban in Islamabad, Rawalpindi, or even Karachi."

A second possibility is another military coup by restive officers uncomfortable with Musharraf's tilt to the West. This too is unlikely, though a couple of recent incidents have caused much speculation here. On Sept. 24, with Musharraf out of the country promoting his book, nationwide power and phone outages sparked rumors of a coup. Ultimately, by sunset, the lights were back on—with no sign of tanks in the streets. Then a couple weeks later, dozens of mid-ranking Air Force officers were arrested in connection with rockets that were discovered near Musharraf's home and a bomb blast that occurred in a nearby park.

Dr. Ayesha Siddiqa, an independent defense analyst in Islamabad, scoffs at talk of Musharraf being tossed out by his own men. "Americans seem to forget that this army is a disciplined, hierarchical, British-inspired army," she told me. "And Musharraf's nine corps commanders (all top-ranking generals) are 'his guys.'" Moreover, since 1999, Musharraf has retired dozens of generals whom he couldn't trust; those left are far junior to him. Siddiqa added: "A Bonapartist would never appoint a Bonapartist around him."

A third possibility is the return of a democratic civilian government. About every 10 years, military governments replace civilian ones—and vice versa. The first coup happened in 1958. A countercoup followed in 1968. 1970 marked the first free election. Another coup ocurred in 1977. The "dreadful decade of democracy" (Musharraf's expression) started in 1988. Finally, Musharraf launched a coup in 1999. "The pattern in my country has been repetitive," Musharraf writes, "Elected officials have been vulnerable to corruption and create conditions that lead to an army takeover."

Towards the end of every previous period of military rule, the army's name gradually turns to mud, people start agitating for elections and civilian leadership, and the pendulum swings the other way. That hasn't happened yet under Musharraf, though it might. What is truly different now, however, is that the military has taken over myriad civilian institutions. Retired generals, admirals, and air chief marshals have been appointed chancellors of universities, hold ambassadorships to dozens of countries, and even preside over the Pakistan Squash Federation. A cover article in the July 2006 issue of the Pakistani publication *Newsline* argues that the military have become the country's "new land barons." Both retired and active duty personnel run banks, bakeries, oil and gas companies, cereal manufacturing plants, and cinemas, just to name a few. The army has always played a role in politics. Now, should it ever relinquish the top spot, its interests will be preserved in the economic and private sectors as well. In other words, a civilian government probably won't spell the end of military rule.

I'll conclude by admitting that Musharraf, in spite of those who consider him a cocksure megalomaniac, actually has a pretty hard job. In early July, he and I attended a polo festival (not together) in the Hindu Kush Mountains. The weekend's festivities dovetailed perfectly with Musharraf's "soft image" campaign for Pakistan. Twenty-five thousand people had camped out to watch three days of polo in a beautiful natural setting, 12,000 feet above sea level. The general showed up on the last day, wearing the floppy, woolen hat worn by locals and carrying his trusty Glock pistol in a holster on his belt. During the trophy ceremony following the final match, local musicians and dancers struck a beat. Before long, Musharraf had joined in. Spectators cheered and applauded.

Suddenly, Musharraf's security detail began waving their arms and bum-rushing the press section. The guards yanked cameras away from people and shoved television camera lenses into the dirt. I stood there befuddled. So much for "soft image," I thought. I asked a journalist what was going on. "If pictures of him dancing get out in the press tomorrow," he explained, "the religious parties will have a field day."

The kill-joy mullahs consider dancing un-Islamic. Such is life in Musharraf's Pakistan.

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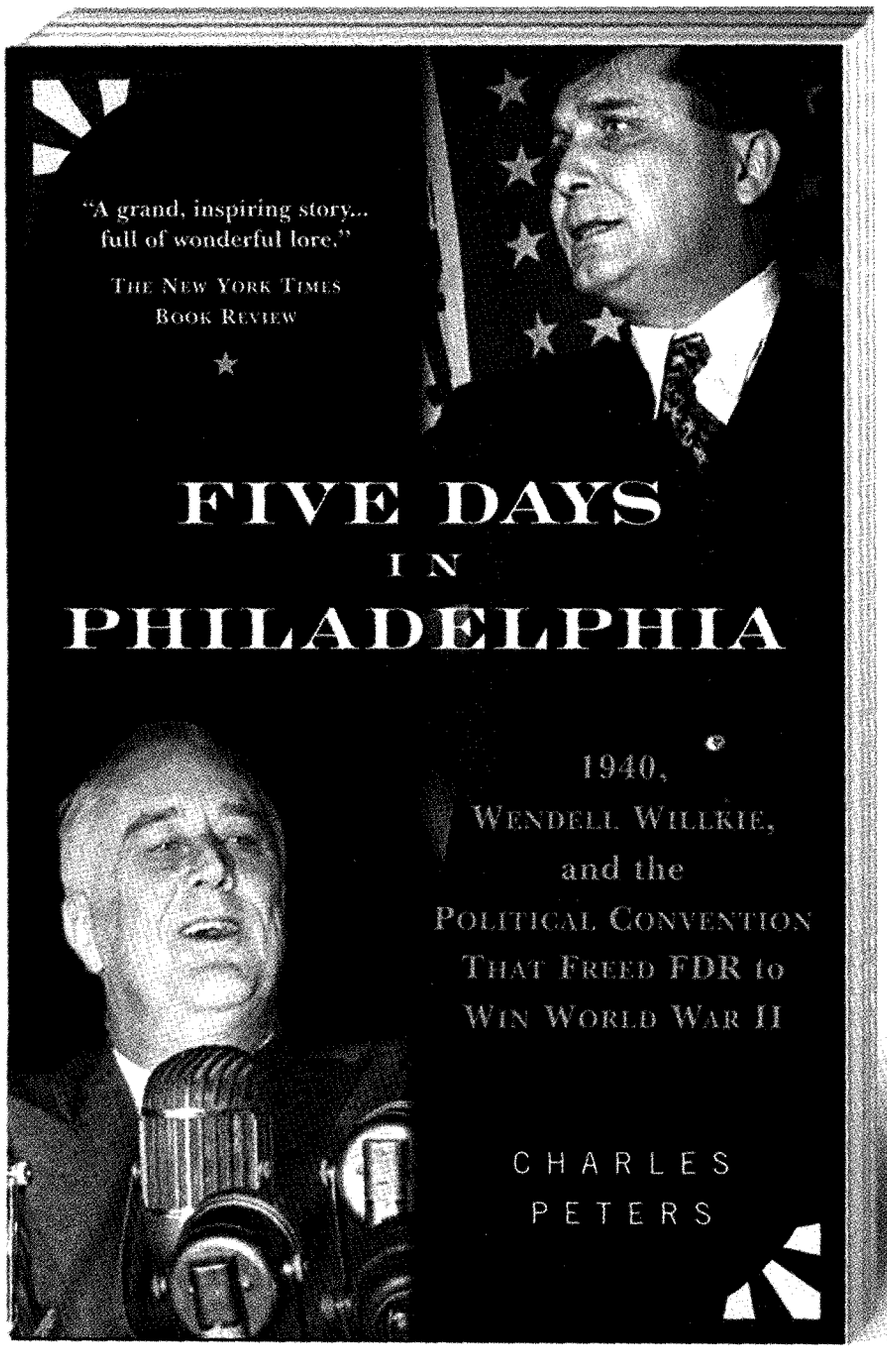

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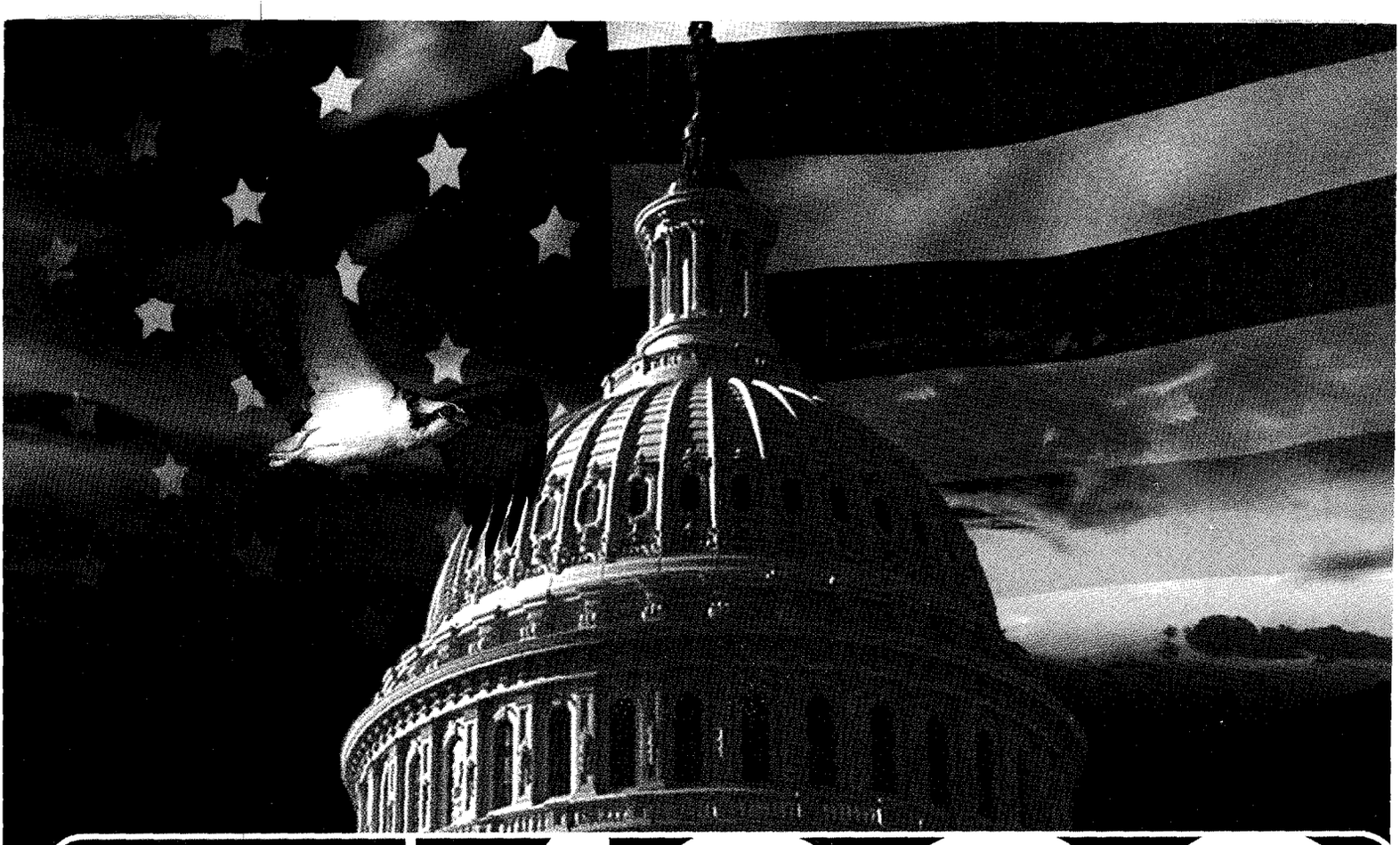

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